

***United States Court of Appeals
for the Second Circuit***



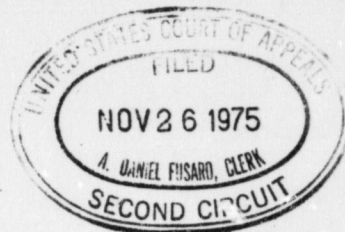
**APPELLANT'S
BRIEF**

IN THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

The people of the United States of America
Ex. Rel. Solomon O. Battle, President
Panther House, Ltd., et al., officers and members,
24 East 21 Street, New York, NY 10010
212/982-3570
plaintiffs

vs

Nelson Aldrich Rockefeller, Vice-President,
U.S.A., The White House, Washington, D.C.,
David Rockefeller, Chairman of the Board of
Directors, Chase Manhattan Bank, 1 CMP,
New York, NY 10005, A. John Marino, Chase
Manhattan Bank, 1 CMP, NYC 10005,
defendants



DOCKET #75-7448

75-7448

BRIEF

PROPOSITION I: The Court below was influenced by considerations of race and economics, and blind to the law.

The history of this case as provided in the attached appendix with its documents is one of following the rules of Civil Procedure by the Plaintiffs, et al., and one of violating rules of law and procedure by the defendants who despite their great wealth and high office, do not consider the laws of the land and the courts worthy of respect. Furthermore they apparently maintain the attitude that justice is not for the poor or the black.

Plaintiffs, et al., request that the Court of Appeals consider carefully the outlaw behavior of the defendants as well as their lawyers who are members of the bar but who act more like gangsters and hardened criminals. The Court is asked to consider contempt citations both civil and criminal against defendants as well as their respective attorneys, and appropriate disbarment proceedings. In addition, the Court should well consider recommending Vice-President Nelson Rockefeller to Congress for impeachment proceedings.

The fact that Panther House had only small amounts of deposits in Chase Manhattan Bank is no occasion for bankers and others to throw Plaintiffs out when discrepancies--and they were many and constant--were brought to the attention of bank officials. Nor should Plaintiffs be the subject of abusive behavior on the part of bank employees who violate state laws solely because Plaintiffs are black and poor. Nor does an appointed federal officer have the right to enter into conspiratorial agreements to deprive Plaintiffs of due process of law, Freedom of Speech, Freedom of the Press and the unalienable right to life, liberty and the pursuit of happiness.

PROPOSITION II: Defendants who are in contempt of Court or in violation of valid Court processes will not be, in a just and honest Court of Law, allowed to prevail contrary to the law. Judge Henry F. Werker refused to write any kind of opinion in the case, disregarded Judge Lee Gagliardi's Show Cause Order as did defendants. Plaintiffs assert that Judge Werker acted in concert with defendants to disregard the Show Cause Order. Judge Werker merely scrawled a few words on the backs of motions, copies of which are attached for the Court. This is a Federal Judge disregarding Federal Laws, the Constitution and the FRCP. Defendants were properly served with rule 31 motion/interrogatories. Defendants refused to comply with any of the rules of FRCP applying to interrogatories and Judge Werker denied all motions but took no action on any of the rule 31 motion/interrogatories.

Defendants pilfered, stole, altered, forged, broke and entered plaintiffs place of business substituting fraudulent malafide documents for bonafide ones originally filed with the Court below which leads one to believe that the Court microfilms may also have been tampered with. None of this illegal activity could have proceeded without the cooperation and collusion of all defendants, their attorneys and court employees.

PROPOSITION III: The Rights of Plaintiffs have been contemptuously disregarded by the Court below and Plaintiffs request that the Court of Appeals issue the writs and judgment asked for, and such other remedies and reliefs as the Court finds appropriate.

Respectfully submitted, /s/

Sworn to me this 26 day of November, 1975

/s/ Margaret A. Wormser Notary Public

MARGARET A. WORMSER
NOTARY PUBLIC, State of New York
No. 21-9748079
Qualified in New York County

Solomon O. Battle,
Pro Se, et al.

PROOF OF SERVICE

Plaintiff hereby affirms under penalties of perjury that copies of the documents and appendix have been mailed to defendants' attorneys. *brief,*

Dated: November, 1975
New York, NY

SOLOMON O. BATTLE, Pres., et al.
Panther House, Ltd.
Box 3552
Grand Central Station
New York, NY 10017
212/982-3570

VERIFICATION OF COPIES OF DOCUMENTS

Plaintiff, Solomon O. Battle, being duly sworn, deposes and says that the typewritten copies of court records included with the appendix are to the best of his ability true copies of court papers filed with the Court below. Every effort has been made to point out to the court any ambiguities which appear in the originals which were typed, handwritten and/or both. Unfortunately defendants, it is hereby alleged, have caused bonafide documents to be removed from Plaintiffs' files and those bonafide documents have been replaced with forged malafide documents. The court's attention is hereby directed to these forgeries which evidently have also been introduced into the legitimate court records and microfilms. The Plaintiff, Solomon O. Battle, asks the court's indulgence in any errors which he may have been unable to determine in the typing of the copies.

Solomon O. Battle
SOLOMON O. BATTLE, Pres., et al.
Panther House, Ltd.
Box 3552
Grand Central Station
New York, NY 10017
212/982-3570

Sworn to me this 26 day of
November, 1975.

Margaret A. Wormser

Notary Public

MARGARET A. WORMSER
NOTARY PUBLIC, State of New York
No. 31-9746000
Qualified in New York County
Commission Expires March 30, 1976

AFFIDAVIT

State of N.Y.)
City of N.Y.) ss.:
County of N.Y.)

ADDITIONAL INFORMATION REGARDING THE CASE

I, SCLCMCN C. BATTLE, being duly sworn, deposes and says:

I respectfully ask the Court to consider the facts in this affidavit which are substantially related to the original case.

1. I telephoned Andrew Connick on November 20, 1975 if ~~memory~~ ^{memory} serves me correctly.

2. I indicated to Mr. Connick that I was considering withdrawing from the case. The reason, not given to Mr. Connick, related to Mr. Gary, who in my opinion had revealed himself to have lost interest in the case. He was responsible for providing me with the research on the law since I have no experience in that field whatever and since I anticipated at that time that he would not be willing to help me, I considered that I would not be able to prepare the final brief to the Court of Appeals.

3. I further stated that Mr. Casper Baker Gary had displayed to me and another witness a weapon which Mr. Gary described as a shotgun. I am not familiar with weapons, being an outspoken opponent of violence and killing.

4. Mr. Gary had indicated to me on previous occasions that he is a former felon and who at one time was institutionalized, in conjunction with his sentence, for mental illness. My relationship with Mr. Gary began in 1973. It was very sporadic at first since he was preoccupied with a legal clerkship, he related to me. He had done some writing and presented me with appropriate samples of fiction and non-fiction. We soon after became friends.

5. I was so concerned that Mr. Gary had displayed a weapon that I was considering if he might be planning to use it, possibly against me. I further warned my son, Richard Battle, not to go to Mr. Gary's place of business/boxing school until I could determine the disposition of the weapon.

6. I saw the weapon only once while in the presence of Mr. Gary and another man who reportedly shares an interest in Mr. Gary's business, ZODIAC NEWS, at 11 East 16th Street. I saw the weapon on Monday, November 17 at about 9 AM. The same evening, when I went by Mr. Gary's place, his whole personality appeared to have changed, making him appear distant and morose.

7. It took me several days to realize the gravity of this situation and on the evening of November 19th, I reported the facts to the 13th Precinct. They laughed it off and said I should return the following morning and report it. I returned to my place and found that in my absence someone had turned off the lights. I then left my place quite upset and walked to police headquarters, having left without any money since my original trip to the 13th Pct. required none. At police headquarters after I advised them of the facts, it was agreed that a squad car should accompany me to my place.

8. The squad car was occupied by two officers and a third man who appeared to have fresh bruises and cuts from an altercation. He asked the squad car to accompany him to Max's Kansas City so he could retrieve a coat.

9. While enroute to my place, it was reported over the police radio that a man had indeed been apprehended in a hotel near my place carrying a shotgun.

10. The following morning, I called Mr. Connick and related the details of my considering withdrawing from the case. I further stated the facts about Mr. Gary's weapon and stated that on no condition would I withdraw from the case until Mr. Gary's weapon had been properly handled by the authorities or words to that effect. Mr. Connick suggested I notify the authorities.

11. I did indeed telephone the 6th Pct (641-5811), the Fire Arms Control Bureau (482-6180), the 13th Pct but got no satisfaction or interest from anyone until I spoke with Mr. Rod Brown (732-7200, Ext. 388) of the Manhattan D.A.'s office. Mr. Brown stated that he would make some effort to have the matter investigated.

11. Having reported what I considered to be a serious matter possibly involving a weapon in unauthorized hands, I let the matter drop.

12. Mr. Connick returned the call to me at the Avon Corporation, 9 West 57th St., where I was employed temporarily due to a boycott of my business following the filing of the case against the defendants. Mr. Connick stated that he had spoken with the U.S. Attorney and that they were both amenable to withdrawing. He stated he would draw up the papers.

13. After speaking with Mr. Connick, I carefully considered the possibility of withdrawing but never received any document from him. [Received 11/25/75]

14. I spent Friday evening in Staten Island, after having taken the ferry over just for the ride. I walked around most of the evening just thinking about my life and problems, etc.

AFFIDAVIT

Page 2

Indeed, I was concerned about Mr Gary and whether or not it was safe to remain in my place.

15. The evening before, the 20th, Mr Gary had knocked on my door about midnight. I apprehensively admitted him and he had changed totally from the last time I saw him. He was his usual friendly self unlike the morose person of Monday morning and evening. I concluded that Mr Gary was indeed a possible case of mental illness probably schizophrenia which may have had some connection with the weapon. He indicated that he wanted to borrow my paper cutter so I walked with him to his place of business where he cut some files and I returned to my place.

16. The following morning, having very little money, I had to return to Mr Gary's place to borrow \$10, which he loaned me. It was of course, the end of our friendship since I could not possibly report to him then or now that I discussed the weapon with the authorities.

17. I arrived from Staten Island on Saturday morning on the "Verrazano" ferry and got to my place around 6:30 am or so. Daylight was just breaking.

18. One reason I found it necessary to break with Mr Gary was that he appeared to have acquired a large investment to open his news operation. He further related that the owner of the building was considering allowing Mr Gary to manage the building.

19. I reasoned that this newly found success could have been related to Mr Gary's loss of interest in this case now before the Court of Appeals.

20. This Plaintiff has seen each and every one of his friends, his mother, brothers, sister, even his wife who is an officer of Panther House gradually change and become more and more distant if not downright treacherous. Plaintiff also notices a change in the attitude of his children toward him with the result that it was not difficult to wonder if Mr Gary might not in fact be in the pay of the defendants.

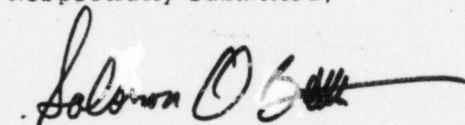
21. When the police arrived at my place on Wednesday evening, they checked and there was no one inside. They left.

22. There has been over the past several weeks a large hole broken into the wall in the room where I sleep. The owner of the building stated that it was for the purpose of repairing plumbing. However, the hole is situated at such an angle that one could indeed thrust a weapon in it and have a dead aim at my head while I sleep. That hole has not been repaired as of the time this affidavit is being prepared. [Repaired 11/26/75]

23. I ask the Court whether these facts are sufficient cause for alarm for my personal safety and if whether or not they may indeed be relevant to the case against defendants.

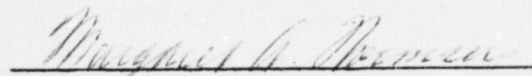
24. I did not nor will I withdraw my case against defendants under any circumstances.

Respectfully submitted,



Solomon G. Battle

Sworn to before me this 26 November, 1975


Notary Public

MARGARET A. WORMSER
NOTARY PUBLIC, State of New York
No. 31-974000a
Qualified in New York County
Commission Expires March 30, 1968

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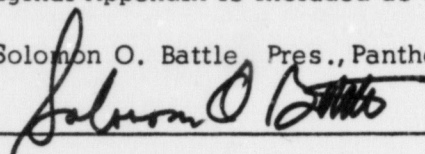
REVISED AND AMENDED APPENDIX

Because of the unusual activity of defendants in rifling Plaintiffs' files and substituting forged malafide documents for bonafide ones, and defendants' substitution of documents without notarization, the Appendix is revised herewith below to show the Court the actual order of documents, events and proceedings on the record. The documents attached are in proper choronological sequence to the best of my knowledge except for Judge Werker's "orders" which Plaintiff cannot place in sequence. The original Appendix is included as a matter of record.

Solomon O. Battle, Pres., Panther House, Ltd.

Dated: 24 November 1975
New York, NY

/s/



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	6/21/75	
	6/24/75	
	6/24/75	
	6/24/75	
	6/24/75	

IN THE UNITED STATES COURT OF APPEALS

The people of the United States of America
EX. Rel. Solomon O. Battle, Pres.
Panther House, Ltd., et al., officers
and members, 24 East 21st Street, N.Y.,
N.Y. plaintiffs,

vs

Nelson Aldrich Rockefeller, Vice-Pres.,
U.S.A., The White House, Washington, D.C.,
David Rockefeller, Chmn of the Bd., of
Drs., Chase Manhattan Bank, 1 CMP, NYC,
10005, defendants

APPENDIX
Docket # 75-7448

COMPLAINT 1-A

SHOW CAUSE 2-A

MOTION FOR ORDER OF CONTEMPT 3-A

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AFFIDAVIT OF R. HUGHES 5-A

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MOTION TO DISMISS (U. S. DEFENDANT) 9-A

MOTION FOR CRIMINAL CONTEMPT (PLAINTIFFS) 10-A

SUPPLEMENTAL MOTION (PLAINTIFFS) 11-A

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MOTION TO DISMISS DEFENDANTS PAPERS 14-A

AFFIDAVIT OF CASPER BAKER GARY 15-A

AFFIDAVIT OF ANDREW CONNICK 16-A

PROPOSITION I: The Court below was influenced by considerations of race and economics, and blind to the law.

PROPOSITION II: Defendants who are in contempt of Court or in violation of valid Court processes will not be, in a just and honest Court of Law, allowed to prevail contrary to law.

PROPOSITION III: The rights of plaintiffs have been contemptuously disregarded by the Court below.

Dated: 23 August 1975

Copies to: Andrew Connick, for David Rockefeller; Nathaniel Gerber for V.P. N. Rockefeller

1A
COMPLAINT

State of N.Y.)
County of N.Y.) SS:
City of N.Y.)

Honorable Court or Sir:

I, SOLOMON O. BATTLE, being duly sworn, according to law, deposes and says:

1.
STATEMENT OF JURISDICTION

Jurisdiction is founded upon violations of the Civil Rights Act (28 USC 1343-(3); 42 USC 1983), and the amount in controversy. The instant action arises under the Constitution of the United States, Article XIV, Section One, as hereinafter more fully appears. The amount in controversy exceeds ten thousand dollars.

2.
STATEMENT OF FACTS CONCERNING THE HISTORY OF THE CASE

A.*** I am the same SOLOMON BATTLE abovenamed (here called "SOL BATTLE"), and PANTHER HOUSE, LIMITED is a business corporation formed under the laws of the State of New York, having been filed, certified and issued on November 21st, 1968, through the Department of State of New York.

B.*** I am the founder and President of Panther House, Ltd, and Treasurer.

C.***I made the following appointments as President of Panther House, Ltd: JEAN BATTLE, Vice-President; Casper Baker Gary, Vice President, and Secretary, which is my chief legal research office.

D.***I opened a business checking account with the Chase Manhattan Bank, Nation Association, on December 18th, 1968.

E.***I discovered, prior to the events abovementioned, that Defendant NELSON ALDRICH ROCKEFELLER, wrongly asserted ownership over the largest single collection of early African Arts and Treasures, by which asserted ownership the said NELSON ALDRICH ROCKEFELLER was able to dominate certain museum programs in the City and State of New York, as well as elsewhere.

F.***I thereafter undertook, with the aid and assistance of others whose views were similar to my own, to induce the said NELSON ALDRICH ROCKEFELLER to cease and desist from his assertion of ownership in the said early Arts and Treasures of Africa, and to provide for their return to the African People from whom they were at all times by him wrongly withheld.

G.***I was unable to so induce the said NELSON ALDRICH ROCKEFELLER to cease and desist in his assertion of ownership over the said early African Arts and Treasures, nor even to consider the same, despite numerous communications, and attempted communications, directed to the attention of the said NELSON ALDRICH ROCKEFELLER.

H.***I therefore determined in June of 1968 to compel the said NELSON ALDRICH ROCKEFELLER to relinquish his hold and claims over the said early African Arts and Treasures, and I chose as my means an appropriate exercise of my First Amendment Right to Freedom of Speech, and of the Press, by which I sought to expose the unfavorable character of the assertions of ownership by NELSON ALDRICH ROCKEFELLER over the said early African Arts and Treasures.

H.***I accordingly, on June 11th, 1968, through the Committee for the Repatriation of Third World Art, commenced a news release to all Media, and every ascertainable member of the ROCKEFELLER family, including the abovementioned DAVID ROCKEFELLER, which release was continued without respite for several years, until the said NELSON ALDRICH ROCKEFELLER caused an announcement to be released to the press to the effect that his former assertion of ownership in the said early African Arts and Treasures was being formally abandoned.

1A COMPLAINT

Plaintiff's news release is annexed hereto and marked Exhibit "A".

I.***I thereafter began to experience an increase in the incidence of difficulties often the usual price of exposing the big shots, among which were falsification and publications of confidential bank records; theft of mail; deliberate and obvious opening of mails, suggesting some collusion of U.S. Postal Service Personnel; forceful breaking and entry onto my premises, rifling of files and destruction of certain records; insults and threats by hired bullies inside the Chase Manhattan Bank; and, finally, the announced intention to arbitrarily and capriciously close the PANTHER HOUSE bank account without any opportunity to correct the damaging slanderous and vindictive falsification and misinformation disseminated to third-parties by officials of the Chase Manhattan Bank, under the direction of the said DAVID ROCKEFELLER, with a view to bankrupt and otherwise destroy Plaintiff SOLOMON O. BATTLE, including all those directed by him in business. The announcement in question is annexed hereto and marked Exhibit "B".

J.***I therefore must bring this action in the United States District Court because, aside from the fact that one defendant is an appointed federal officer, while the other operates a federally guaranteed business enterprise, it is NELSON ALDRICH ROCKEFELLER who directs the ROCKEFELLER Family, Fortune, and Empire, including the said DAVID ROCKEFELLER, and the Chase Manhattan Bank, and, as a result, has caused, and continues so to order, actions of a reprisal nature, against your Plaintiffs.

K.***I, being so persuaded, am obliged to move this Court for the Federal remedy, including punitive, equity and compensatory damages as against Defendants, as hereafter appears in greater detail.

POINT I

NELSON ROCKEFELLER HAS NO LEGAL AUTHORITY TO ORDER REPRISALS AGAINST PLAINTIFFS FOR THE EXPOSURE CAMPAIGN

Plaintiff SOL BATTLE, a Black American citizen, had a perfect right to object to wrongful possession, by NELSON ALDRICH ROCKEFELLER, and/or members of his family, of any African Arts and Treasures, since their express purpose was to control and delimit the ability of anti-Black propagandists produce slanderous and otherwise insulting books, films and other documents about Africans in general, and Black Americans in particular, and all reprisals, whether announced or otherwise, against Plaintiffs therefor constitutes conspiratorial acts to terrorize and intimidate them in their exercise of the Constitutional Right to Free- of Speech, and of the Press, guaranteed by the 14th Amendment to the United States Constitution, which reads in pertinent part:

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and the State wherein they reside.... Nor- -shall any...deprive any person of life, liberty, or property, without due process of law; nor deny any person ...equal protection of the laws."

The Federal Judiciary may intercede to provide a remedy as against defendants.

POINT II

NELSON ALDRICH ROCKEFELLER POSSESSED NO AUTHORITY AS HEAD OF THE ROCKEFELLER FAMILY, NOR AS GOVERNOR OF THE STATE OF NEW YORK, NOR AS VICE-PRESIDENT OF THE UNITED STATES, TO ENGAGE IN CONSPIRATORIAL SCHEMES OF REPRISALS AGAINST PLAINTIFFS, AND SUCH ACTS ARE PROHIBITED BY ACTS OF CONGRESS AND ARE PROPERLY SOUGHT TO BE REMEDIED BY APPLICATION FOR FEDERAL WRITS

On May 15 1975 Plaintiff Sol Battle was notified by Chase Manhattan Bank that, having created a whirlwind of confusion and false facts therein, the PANTHER HOUSE account would be arbitrarily and capriciously closed, after a long campaign of reprisals for the long expose against NELSON ALDRICH ROCKEFELLER, contrary to the constitutional guarantees incorporated in 28 U.S.C. 1343-(3):42 U.S.C. 1983, which reads in pertinent parts:

"1343. CIVIL RIGHTS "The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: ****

" (3) To redress the deprivation...of any right, privilege or immunity...of citizens...of the United States."

"Section 1983. CIVIL RIGHTS ACT

"Every person who, under color of any statute, ordinance, regulation, custom, or usage... subjects, or causes to be subjected, "any Citizen of the United States...to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding...."

POINT III
CONCLUSION

For the several compelling reasons hereinbefore set forth, as well as many others which might be set forth, it is respectfully submitted that this Court allow the following immediate relief:

- 1) An Injunction against the arbitrary and capricious closing of the Federal protected account at the Chase Manhattan Bank; and,
- 2) Damages as against NELSON ALDRICH ROCKEFELLER, and his brother DAVID ROCKEFELLER, in the amount of \$2,500,000. for concerted action to bankrupt and otherwise ruin your Plaintiff for the exposure activity against NELSON ALDRICH ROCKEFELLER in particular, and the members of the ROCKEFELLER family in general.

Respectfully Submitted,

/s/ .Solomon.O..Battle
SOLOMON O. BATTLE, President
PANTHER HOUSE, LIMITED
Plaintiffs pro se et al.
Box 3552
Grand Central Station
New York City, New York, 10017
(212)-982-3570

State of N.Y.)
County of N.Y.) ss:
City of N.Y.)

Sworn to before me this 28th day of May, 1975.

/s/. [Margaret.Wormser]..... (From Memory; see note below)
NOTARY PUBLIC

NOTE TO COURT OF APPEALS: Defendants rifled files of Plaintiffs and removed all notarized copies of documents and substituted extra copies which were not notarized. therefore, this copy of the document above is complete except that Plaintiffs do not have a copy of the notary public's signature on the document which was filed with the Court with proper seal and signature. Errors appearing in the above document such as spelling, appear in the original which was drafted by plaintiff's former associate C.B. Gary. The errors are as he drafted the document. There has been no attempt at editing it.

EXHIBIT "A"

NELSON ROCKEFELLER AND THE ART OF THE THIRD WORLD

For release: June 11, 1968 and after

To: All Media

From: S. Battle
Committee for the Repatriation of Third World Art
c/o 2086 Second Avenue
New York City 10029
Telephone (212) 876-7045

For many years it has been customary to send "scientific expeditions" to study art and culture of "primitive" peoples of the Third World. Usually these expeditions were nothing more than excuses for massacres, atrocities, murders, and thievery directed at people already under colonialist domination.

One of the prime geographic targets of this cultural exploitation is the African Continent, rich in traditions of religious and secular arts which flourished centuries before the late comers of the colonial world. One of the most significant movements in modern Euro-American Art--Cubism--owes its existence to African influences.

Oceanic art bears a direct relationship to African art though racist art historians are quick to deny any similarities. This vast area in the South Pacific is still under colonial and imperialist rule. A notable expedition by Michael Rockefeller to Asmat resulted in his death under circumstances which betrayed his method and intent. Michael was in search of treasures for his father's museum, the Museum of Primitive Art in New York City.

As one high ranking African diplomat stated, "Why do these people want our art? It isn't part of their culture." And yet African sculpture is bought and sold at premium prices in the colonialist art world. It is pirated, hoarded, and kept out of sight from the people who created it.

Many fine pieces from the Continent (Africa) lie in American collections such as in the Museum of Primitive Art of which Nelson Rockefeller is President. Other notable collections include those of Gustave Schindler, John de Menil, Robert Sainsbury, Ernst Anspach, Jay C. Leff, and Clark Stillman.

Rene d'Harnoncourt, * Vice President of the Primitive Museum and present director of the Museum of Modern Art, is an authority on Pre-Columbian art. Mr. d'Harnoncourt was in South America as recently as May, 1968 engaged in efforts to further enhance North American collections. It is still the practice to enter remote Amazon regions, rob natives of their treasures, take the bounty through customs by bribery or trickery or to surreptitiously take them over isolated stretches of border.

*Count d'Harnoncourt was run down and killed by an automobile August 13, 1968. Until his death he remained Vice President of the Primitive Museum and art consultant-buyer for Nelson Rockefeller.

Dr. Robert Goldwater, Administrative Director of the Museum of Primitive Art, also a professor of art at New York University, admits that all is not well in the acquisition of African Art. He says: "Most figures and masks have a communal function; many of them belong to the secret societies which are the framework of the religious knowledge and social life of the community. As such they must be kept from the uninitiate, which usually includes all women."

Thus we see that acquiring African art demands the rape of religious and cultural traditions of native societies, another example of colonialist racist superiority over the native religion and institutions.

Perhaps the day will come when Europeans will welcome expeditions by conquerors to the Vatican to murder the Pope and relieve him of religious relics to be shown in foreign museums. This is in fact what has already been done and is still being done to the people of the Third World. Through revolution, much of the Third World is becoming partially independent of colonialist exploitation. The stolen art of the past now in the vaults of capitalist and colonialist collectors must be repatriated. No amount of monetary compensation can take the place of the art itself and its importance to cultural traditions. Indeed, the countries must demand reparation for the damages incurred by the thefts of these great works of art.

Barbaric Euro-Americans have been notoriously vicious in their attitude towards the art of colonized peoples because of the low level of American civilization. Not only was Africa raped and plundered by murderers and thieves, but the Africans themselves were stolen and enslaved as mere possessions to be bought and sold. And all the while the racist masters pretended the African slaves were cannibals without history or tradition in culture or art. White racists

today persist in asserting the absence of African cultural traditions either in literature or art despite numerous written accounts to the contrary in the recorded works of Africa and the other world. Even Arnold Toynbee, the British historian, has shown his ignorance and racist attitude in asserting the absence of an African cultural tradition.

One of the acknowledged great collections of African art is in Tervuren, Belgium at the Musee Royal de l'Afrique Centrale. The exploits of the Belgians in the Congo are well known for intensity of their brutality and vicious pillage. The death of one of the world's great leaders, Patrice Lumumba,* was inspired by Belgian intervention in the internal affairs of the Congo subsequent to independence. Ruthless, cold blooded Belgians relentlessly collected Congolese art until today the greatest accumulation of art from this part of Africa is in Belgium rather than in the country of its origin. Certain agreements between the Democratic Republic of the Congo (Kinshasa) and Belgium do exist relating to ownership, but the Belgians have possession of the art. The excuse is a simple ruse: The Congolese have no museum building to house the collection and pending the construction of a museum, the art remains in Belgium. But just how feasible is construction of this Museum? It requires specialized controls regulating tempera-

*Andrew Cordier, acting president of Columbia University, was implicated in the death of Lumumba. He denies he took part in the actual killing.

ture and humidity in order to prevent deterioration of art objects. And the construction of such a building in the tropics would be costly. And so the situation remains unchecked.

The Congo (Kinshasa) maintains a favorable balance of payments of roughly 3:2. And the principal countries of export and import are Belgium, Luxembourg, the United Kingdom and the United States. And General Mobutu recently declared that his policy is that of the open door.

Thus, the Congo continues to try to attract favorable American investments without the threat of nationalizing the potential investments. Under these circumstances it would appear that American investors would further make offers to assist in the educational and cultural development of the nation with no encumbrances.

Perhaps institutions such as the CIA directed Ford Foundation and the Rockefeller Foundation would do well to look into the problem of repatriating African art especially the important collections from the Congo in Belgium.

The Museum of Primitive Art currently has on exhibition (until August 18) one hundred pieces of Congolese art (both Kinshasa and Brazzaville) sent over from the Tervuren Musee. These pieces are rare and in excellent condition. Experts are agreed that some of the objects in this particular show have no counterparts which have ever been shown in the United States.

Weeks prior to the opening of the Congolese Art Exhibition members of the Harlem community approached the Museum of Primitive Art with three purposes in mind: (1) Repatriation of art objects belonging to the Third World, (2) Showing the African collections (by permission of the African governments involved), and relocating the museum in Harlem pending permission of the Third World nations to allow the art to remain in Harlem on loan.

Meetings were held with Dr. Robert Goldwater and Rene d'Harnoncourt to discuss these proposals. Two agreements were made by the Museum: (1) They would submit customary written specifications governing loan exhibitions to the Harlem community people who approached them for the exhibition and (2) they would arrange an exploratory meeting between community representatives and the Board of Trustees of the Museum.

Upon conferring by telephone with the Museum President, Governor Rockefeller, Museum officials reneged on their agreements and referred the Harlem community people to Rockefeller's stooges in Harlem. (Their purpose is to prevent brush fires from breaking out in Harlem). Reverend Wyatt Tee Walker, who heads the Harlem Office of Urban Affairs bears the title of special assistant to the governor. He is the minister who dreams of taking Adam Clayton Powell's seat in Congress. However, his reputation for acting contrary to the interests of the Harlem community appears to have rendered him ineffective.

1A COMPLAINT (Exhibit "A") , 2-A ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION

The Museum refused to deal with the Harlem community and insisted that the Office of Urban Affairs was now considering the showing of traditional African Art in Harlem. Just like the Office of Urban Affairs has been proposing a museum for fifty years in the community. So far all that has been seen is their letterhead./

To draw attention away from the Museum of Primitive Art, public relations specialists began a barrage of television and newspaper coverage relating to the Schomburg Collection. One letter writer to the New York Times editor even suggested that Columbia University build a museum to house the Schomburg collection on the site of the discontinued gymnasium. All this to prevent the dissolution of Nelson's Museum of Primitive Art and/or its relocation in Harlem.

In addition, police informers already operating in the community (approximately twenty-five percent of the Afro-American community consists of paid informers) reported directly on opinions being circulated in the community. The Museum, fearing the likelihood of a grassroots attempt to disrupt the Museum thereupon hired Black security staff members who were previously discriminated against. Thus any attempt to seize control of the Museum would have been dealt with by Black guards rather than white ones.

To further complicate matters, Black women informers were hired to go back into the community as informers. But of even greater significance French speaking women of both races have been hired to make contact with African diplomats in order to determine the extent and nature of diplomatic support of the African-American position.

These attractive young female spies pose an intense threat to the security of each and every African embassy in the United States since their activities will not be limited to any one area. Their obvious method of operating will be the use of blackmail and other means of pressure.

The threat of a confrontation between the Harlem community and the Rockefeller organization looms in the future since he alone has the final word as to the immediate disposition of the Museum collections. The eventual disposition rests within the powers of the peoples of the Third World.

For the Harlem community people there is the possibility that the Rockefeller organization will resort to violence against those who persist in attacking the image of a white millionaire who has visions of becoming President of the United States. When all methods of dissuasion have failed it is the American practice to resort to physical persuasion and finally murder in order to eliminate free expression. The extent of involvement of seemingly respectable organizations such as foundations is not difficult to estimate when dealing with the white power structure.

The Harlem community demands the exhibition of traditional African art and it will achieve these demands.

2-A

ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION (handwritten at the courthouse)

Upon the annexed affidavit of Solomon O. Battle, sworn to the 30th day of May, 1975,

It is ordered that the defendants show cause at a motion term before a judge of this court for ~~ROCKEFELLER~~, to be held in Room 1603 of the United States Courthouse Foley Square, New York, New York on the 5th day of JUNE, 1975, at 10⁰⁰ in the A.M. noon of that day or as soon thereafter as counsel can be heard and why a judge should not issue an order granting the following immediate relief:

- (a) enjoining the defendants, David Rockefeller, Chase Manhattan Bank N.A and Nelson Rockefeller, Vice-Pres., U.S.A. from terrorizing, making threats, harrassing, intimidating and/or interfering with Plaintiffs' civil rights in general, rights to free speech, freedom of the press and the right to the pursuit of life, liberty and happiness as protected by the United States Constitution, Amendments 1-10 and Amendment 14 which provides for equal protection of the law and other Federal laws and statutes,
- (b) enjoining the defendant David Rockefeller, Chmn Bd of Drs, Chase Manhattan Bank from arbitrarily, capriciously and maliciously threatening to close and/or closing plaintiffs' bank accounts at the Chase Manhattan Bank
- (c) enjoining James Smith, Comptroller of the Currency, C. M. Van Horn, Regional Administrator of National Banks from arbitrarily, capriciously and maliciously permitting a

2-A ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION

national bank association, the Chase Manhattan Bank, to arbitrarily, capriciously and maliciously threaten [threaten] to close and/or close plaintiffs' bank accounts and to operate in a manner which deprives plaintiffs of due process of law [law] and in violation of the 14th Amendment to the United States Constitution which guarantees equal protection of the law.

④ [(d)] It is further ordered [?] the sufficient cause appearing therefor, [appearing therefor,] a copy of this order and the papers upon which same [same] is made may be personally served upon the defendants on or before JUNE [2] 3 1975 by 1⁰⁰ PM by any person legally authorized to serve process.

Dated May 30th 1975
at New York, NY

U.S.D.J.

(Signature of Lee Gagliardi is illegible)

NOTE TO COURT OF APPEALS:

This is not the original of the order to show cause. It appears that once again plaintiffs' agents and/or plaintiffs have rifled both the files of either the District court, the Court of Appeals along with microfilms of the courts and substituted a fraudulent document for the original one. The document above is an exact copy of the one now in my possession which is a xerox presumably of the original which I do hereby solemnly affirm under penalty of perjury that it is not the same document which I wrote in the courthouse and presented to the clerk for presentation to Judge Gagliardi.

It is my opinion that defendants did this trick to see if I would fall for the obvious ruse of editing an original court document. As a professional editor I would not make the idiotic mistakes which appear on this forgery. Nevertheless, this copy is as best as can be made on a typewriter of the original forgery which is now in my possession.

These defendants clearly demonstrate that they are of the opinion that they own the court and can tamper with court records with impunity. Tampering with Federal Court records is clearly a crime punishable by jail, to my understanding.

Affidavit

State of New York)
County of New York) ss

I, Solomon O. Battle, being duly sworn, deposes and says:

1. I am a plaintiff in the above-entitled [entitled] action. I submit this affidavit in support of plaintiff's motion for a show cause order prohibiting [prohibiting] defendants and the Comptroller of the Currency, James Smith and C.M. Van Horn, Regional Administrator of Banks (See Exhibit

A)

should not be enjoined and prohibited from arbitrarily, capriciously and maliciously threateney.. [threatening] and/or closing plain tilfs's [plaintiffs] bank accounts and should not be enjoined and prohibited from terrorizing, waking [making] thrents [threats], harrassing, intimidating and/or inter feriy [interfering] with plaintiffs's curil [civil] rights in general, rights to free speech, freedom of the press and the right to the pursent [pursuit] of life liberty and happiness as protected by the U.S. Constitution and other Federal laws and statutes. [statutes]

Note to the Court: This is outrageous. Not only did plaintiff Solomon O. Battle not write this forged copy of the original show cause affidavit, but the mistakes are clearly designed to have the case thrown out of court on the technicality that the copy of the documents is not true copy. Plaintiff's are very well aware from their intensive investigation and control of plaintiff's income how much he has for the preparation of this brief and knows very well that plaintiff cannot

afford to xerox copies of all documents.

These plaintiffs are trying the dirtiest tricks possible in trying to obtain an order to dismiss the appeal on the grounds that the typewritten copies of documents are not accurate and true.

As pointed out above, however, this document is a forgery.

Page 8

2-A ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION & AFFIDAVIT

2. [2.] Donid Rrhefeller [David Rockefeller], chm of Bd, Clrase Manhattan Barok [Chase Manhattan Bank] was dnlly served wnth [duly served with] a copy of nsy [my] complaint 75 CIV 7 [ZY] of 28 [28] May 1975 aml [and] defendant Donid Rocheffer [David Rockefeller] eapicuously, [capriciously], [arbitrarily and] [arbitrarily and] nali ciously [maliciously] threatens to close plaentrrffis [plaintiff's] honk arroert [bank account] at chase [Chase] Manhattan Bauk [Bank].

3. Defendean t [Defendant] Donid Rochefeller, Chase Morhallan [David Rockefeller, Chase Manhattan] Bauk [Bank] attorney A. John Marino telephonel [telephoned] p lainteff, [plaintiff,] Solonon O. Battlle [Solomon O. Battle], to acknowledge [acknowledge] serore [service] of summons und [and] to terrorize, intemidate [intimidate] and threaten plaintiff with [the] orhi trany [arbitrary] Cloring [closing] [of] plaenliffs's [plaintiff's] houk [bank] accounts desrpte this [despite this] complaint [75 CIV ZSY [7524]] lreiny [being] lrefore [before] the count. [court.]

Note to the Court:

It is outrageous that this plaintiff, Solomon O. Battle, appears not to have known how to spell his own name on a court document. This is so incredibly ridiculous and absurd that it is not to be believed. Plaintiff did not keep re-reading records that were prepared, served and filed with the court since plaintiff was not of the opinion that it was necessary to do so. Now, however, it appears that there are gremlins who work behind the scenes, altering words, misspelling plaintiffs' names, and creating general havoc. The Court is asked to cite either the gremlins or the defendants for additional counts of criminal contempt and such other criminal violations as apply from the United States penal code.

1. Defendant Donid Rochefeller, [Defendant David Rockefeller], Chase Mantrallen Bouh [Chase Manhattan Bank] refuse [refuses] to arhnnowledge [acknowledge] jurisdiction of [of] this matler [matter] before the U.S.D.C. and Althreatens [threatens] to deprive plainhffs [plaintiffs] of [of] then cern [their civil] rryht [rights] in motulren [violation] of [of] U.J. Const. Fuhon [U.S. Constitution] and cvi tlront [and without] due process of [of] low. [law.]

5. N o prior reqnent [request] has been mate [mate] for the reself [relief] requested [requested] here

6. This motion has been erroyr [brought] on by order to show cause lreacuse [because] there is only approy inrulely [approximately] less thoul [than] one day before Clfendan t's [defendants] anhcrupted [anticipated] threatened oftron [action] to Chase [close] plaentiff's [plaintiff's] houk arraunfts. [bank acco unts.]

Selouon O Battte

[signed]

Solomon O. Batle

Swan to be fore me

this 30th clay of May, 1975

Ralph L. Lee

[SIGNED]

Notary Public, State of New York No. 41-2292838 Queens County Term Expires March 30, 1977

Note to Court: The text as well as plaintiff's signatures are forgeries. (continued on next page)

Note to Court: As pointed out above, this handwritten document, a xerox copy of which is in my possession is an absolute forgery. The forger(s) attempted to make it look like the work of one who was careless about his penmanship and writing. Although one can make mistakes when he writes hurriedly, it is preposterous that one would make as many ridiculous errors as are contained in this fraudulent document; and I am not of the usual disposition to misspell my own name/signature.

These defendants are obviously of the opinion that because of their great wealth and high office that they can indeed change public records, present forged records, and perform other heinous crimes without sanction in law, ethics, morality or custom except in the code of criminal and abnormal psychology. This typewritten copy is correct with the exception of the page numbers on the original forged document.

3-A MOTION FOR A CITATION OF CRIMINAL CONTEMPT OF COURT

MOTION FOR AN IMMEDIATE INJUNCTION TO HOLD DEFENDANT IN CIVIL AND/OR CRIMINAL CONTEMPT OF COURT [hurriedly typewritten/handwritten in upper and lower case letters on original copy in my possession.]

Upon the annexed affidavit of Solomon C. Battle, sworn to the 3rd day of June 1975 it is herewith requested of this this court that the court hold defendant David Rockefeller, Chase Manhattan Bank and Regional Administrator of banks, C.M. Van Horn in criminal contempt of court for willfully and maliciously violating the Snow Cause order issued by Judge Lee Gagliardi on 30 May ~~1975~~ 1975 which provides for a hearing to show cause why defendants should not be issued an injunction not to close plaintiffs's bank accounts.

Note to Court: Once more, defendants have substituted a fraudulent document for the original partly handwritten and typewritten document which I prepared. I am familiar enough with my own typewriting to know whether or not the errors are characteristic which they are not. It is entirely possible that defendants and/or their agents entered plaintiff's premises and used plaintiff's own typewriter with the complicity of persons engaged in the management of plaintiff's loft/office building. These defendants think they are God, evidently, judging from the outrageous substitution of forged documents, pilfering the originals from the court and one must conclude that this involved the complicity of court employees at either the District Court and/or the Appeals Court and/or both and that Court microfilms may also have been tampered with so they would indeed match the forged copy presented to me. What must a plaintiff who is a citizen of the United States of America do to prevent these unconscionable blackguards from perverting justice in the United States Courts and with the necessary collusion of Court employees. Is this the meaning of due process of law in the United District Court and/or the United States Court of Appeals? It was the opinion of this plaintiff that these records were free from corruption, but obviously if criminals--albeit rich and powerful criminals--can alter court records for their own purposes, then why should there be courts at all? Plaintiff could not afford legal counsel so he was obligated to argue pro se hoping also to eliminate the possibility of defendants' bribing an attorney. Instead, these defendants steal, tamper with, forge and then present these fraudulent documents to the Court as bona fide court records.

I further request that the court issue an immediate injunction requirry [requiring] defendant David Rockefeller, Chase Manhattan Bank to reopen plornliff's accounts. [plaintiff's accounts.]

Solomon O. Battle

[forged signature]

NOTE TO THE COURT: This is obviously a forged copy as mentioned above. Plaintiff just noticed that this paper which is very light (13 lb) was adhering to the staple impressions as if it had just been de-stapled without being taken apart. Plaintiff removed all copies of the documents and individually numbered them which would have caused the paper to have been entirely separated from the staple holes. Thus this is, to plaintiff, further evidence that defendants and/or their agents have substituted original copies of court documents with forged ones. As pointed out also, notarized copies of documents in plaintiff's possession have been removed and copies without notarization have been substituted. This is outrageous.

State of New York) :
County of New York) : ss

I, Solomon O. Battle, being duly sworn, deposes and says:

1. I am a plaintiff in the above entitled action. I submit this affidavit in support of plaintiff's motion to hold defendants [defendants] David Rockefeller, Chas [Chase Manhattan] and Regional Administrator of Banks, C.M. Van Horn in criminal contempt of court (See exhibit A).

2. On 3 June 1975, I, Solomon O. Battle, picked up my mail from Grand Central Station and walked to the Chase Manhattan Bank to see what the balance is in my bank accounts.

3. The officer in the bank whose name I did not get replied that bank account No. 071434 had been closed.

NOTE TO COURT: On the original document which was presented to the Court, I did indeed get the name of the Bank Officer since the account has been at the bank since 1969 (Jan. 2) and many of the officers are recognizable to me by name. This evidence was altered in defendant's forged copy obviously to prevent identification of the bank officer. Mr Leonard, the bank officer was not only present but present too was his secretary. Furthermore, Mr. Leonard walked away from his desk while I made a telephone call from another desk. I stated to Mr. Leonard, "The Court has forbidden you to close the accounts." He replied, I didn't close them; the bank did it."

4. I requested confirmation of this since the court had already issued a show cause order in this matter returnable on Thursday June 5, 1975. I requested a written copy of the order to close the account and stated that such an action was forbidden by the show cause order. I was given a xerox copy of the Advice of Debit to close a/c 071434.

5. I then called A. John Marino [Marino] of the legal department of the bank and he replied that he had authorized closing of the account. Mr Marino is David Rockefeller's legally constituted representative and this action was on behalf of defendant David Rockefeller. I had previously telephone [telephoned] the bank at 4:30 pm 30 June and spoken to an officer named Mr. Genchi (spelling phonetic) to advise that the show cause order had been signed by the court. I further requested that the bank take no action to close the account pending the hearing scheduled for 5 June 1975. [scheduled]

6. Shortly thereafter I officially served A. John ~~XXXXXXXXXXXXXXXXXXXX~~ Marino in person with a copy of the show cause order. This occurred at 5:00 pm by his own watch on 30 May 1975.

Note to Court: Since plaintiff Solomon O. Battle is typing this copy of the Court Record, he (I) would like to state that every effort is being made to type a true copy but since I am working from handwritten and typewritten material, some of which is not even legitimate true copies of court documents, and which contains some strikeovers, carbon copies with errors uncorrected because of haste to meet the court's closing time, these copies are correct allowing for differences in interpretation of typewritten copy and handwritten copy which is at best somewhat ambiguous since it was not done by a professional legal secretary and was also prepared without the opportunity for correcting errors mostly for lack of time and/or money. Plaintiff requests the cooperation of the Court in this matter.

7. On 3 June I left the bank and opened mail just ~~px~~ picked up and indeed I noticed the attached orders and check for \$106.49 to close the account.

Note to Court: Plaintiff's carbon copy contains some strikeovers which may not appear in the original documents on file with the court since Plaintiff used Kor-Rec Type on the original copy only. Plaintiff is copying from such a carbon copy in this instance and is trying to reproduce strikeovers as they appear in the text.

8. It is not known why the bank chose not to acknowledge receipt of two deposits made to the account as of 2 June. This money was not returned to the best of my knowledge based upon my own records, and recollection of the balance. I did not, however, make a reconciliation. (Exhibit B)
9. Marino indicated that the court had not requested the bank to keep the accounts accounts open ~~xx~~ and that he had authorized the bank to close them.
10. In addition, there is on the notice of closing a letter referenced dated 29 April which I have never read or seen. I told Marino that I believed him to be in criminal contempt of court and felt that he should be disbarred.
11. No prior request has been made for the relief herein relief herein requested.
12. Thus This motion has been brought on because ~~defendnat~~ defendant has refused to abide by previous show cause orders ~~not~~ order not Sworn to me this 3rd day June to close close plaintiff's bank bank 1975
accounts nor to harass, accounts nor to harass,
in intimidate, terrorize, etc.

Solomon O Battle

forged signature

5-A AFFIDAVIT IN OPPOSITION TO PLAINTIFF'S REQUEST FOR A PRELIMINARY INJUNCTION

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

Note to Court: Defendant's affidavit is typed double spaced. This copy is typed single spaced to save money which the plaintiff is very short of.

RICHARD W. HUGHES, being duly sworn, says:

1. I am a Vice President of The Chase Manhattan Bank, N.A., ("Chase") and am employed at the Chase branch at 422 Lexington Avenue, New York, N.Y. I am familiar with the relevant facts herein and make this affidavit in opposition to plaintiff's application for a preliminary injunction.
2. Panther House, Ltd. maintained two checking accounts at the 422 Lexington Avenue branch for several years until June 2, 1975. During that period, Solomon O. Battle, a principal of Panther House, Ltd., has engaged in conduct which has made it extremely difficult to maintain a satisfactory banking relationship. He has been abusive toward Chase employees and from time to time, drawn checks on the account when it had a negative balance.
3. By reason of the foregoing, it was determined to close the accounts and terminate Chase's relationship with Panther House, Ltd.
4. I am advised by counsel a) that there was no outstanding court order which precluded the closing of the account, 2) that neither plaintiff nor Panther House, Ltd. will suffer any irreparable injury, loss or damage by virtue of Chase's decision to close the accounts, and c) that contemporaneously herewith a motion to dismiss the complaint will be filed with the Court.
5. In view of the foregoing plaintiffs' application for a preliminary injunction should be denied.

Richard W. Hughes signed
Richard W. Hughes

Sworn to before me this 4th day of June, 1975.

Mary Neylan signed

Mary Neylan, Notary Public

State of New York

Certificate filed with New York County Clerk Commission Expires March 30, 1975 appears to be

S I R S :

PLEASE TAKE NOTICE that upon the complaint, the undersigned will move this Court before the Honorable Henry F. Werker, at the United States Courthouse, Southern District, Foley Square, New York, N.Y. on June 17, 1975, or as soon thereafter as counsel can be heard for an order pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure dismissing plaintiff's complaint against David Rockefeller for failure to state a claim upon which relief can be granted and for such other and further relief as the Court deems appropriate.

Dated: June 4, 1975
New York, N.Y.

MILBANK, TWEED, HADLEY & McCLOY

By Andrew J. Connick [signed]
(A Member of the Firm)
One Chase Manhattan Plaza
New York, N.Y. 10005
Attorneys for Defendant
David Rockefeller

TO: Solomon O. Battle
Panther House, Ltd.
24 East 21st Street
New York, New York
Room 706

This memorandum is submitted in support of the motion of defendant David Rockefeller to dismiss the complaint as against him pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

The only hint as to the nature or basis of plaintiffs' purported claim is contained in the statement of jurisdiction and "Point II" of the complaint which recites 42 U.S.C. § 1983. The body of the complaint does not enlighten defendants as to plaintiffs' purported claim.

Section 1983 of 42 U.S.C. provides as follows:

"Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

To state a claim under this section, it must be alleged that defendants acted under color of state law to deprive plaintiff of rights secured by the United States Constitution and laws. Adickes v. S.H. Kress & Co., 398 U.S. 144 (1970).

No such allegations are made in the complaint against David Rockefeller. The only references in the complaint to David Rockefeller are in:

- a) paragraph H, where it is alleged that a certain committee "commenced a news release to [him];
- b) paragraph I, where it is alleged that the Panther House bank account was closed "under the direction of the said David Rockefeller";
- c) paragraph J, where it is alleged that David Rockefeller operates a "Federally Guaranteed business enterprise [sic]; and
- d) Point III, 2), demanding damages "against Nelson Aldrich Rockefeller, and his brother David Rockefeller, in the amount of \$2,500,000".

None of these allegations describe any action taken by David Rockefeller under color of state law. Nor could any such allegations be made. Plaintiffs could not prove any set of facts against David Rockefeller which would entitle him to relief under 42 U.S.C. § 1983.

CONCLUSION

The complaint should be dismissed with costs.

Dated: New York, N.Y.
June 4, 1975

Respectfully submitted,
MILBANK, TWEED, HADLEY & McCLOY

[signed]

By Andrew J. Connick
(A Member of the Firm)
1 Chase Manhattan Plaza
New York, New York 10005
Attorneys for Defendant
David Rockefeller

8-A
NOTICE OF MOTION FOR SUMMARY JUDGEMENT

SIRS:

PLEASE TAKE NOTICE that upon the original complaint of plaintiffs it is further pointed out that plaintiff's requested ~~xxxxxx~~ for a permanent ~~xxxxxx~~ injunction against defendants was made with the knowledge that Chase Manhattan Bank operates under the Uniform Commercial Code of New York State and its action in terminating the bank accounts of Panther House Ltd has violated the U.S. Constitution which provides for equal protection of the law as well as the New York State Executive Law, Article 15, Sections 290 & 292. Defendant's denial of equal protection of the law as protected by the 14th AMENDMENT Of the US Constitution is clearly indicated by their actions. In addition their continued threats and harrassment constitutes further unequivocal proof that they ~~xxxxxxxxxxxxxxxx~~ are acting to prevent plaintiff's rights to free speech and freedom of the press

Page 13 (continued)

as guaranteed by the U.S. Constitution.

Furthermore plaintiffs have not engaged in any conduct either before ~~xxxxxxxx~~ or after filing of the ~~xxxx~~ original complaint which would warrant ~~xxxxx~~ closing of their bank accounts nor has Chase Mannattan Bank notified plaintiffs of any such improper conduct.

NOTICE OF MOTION FOR SUMMARY JUDGEMENT (continued)

Therefore, in view of defendant's clear violation of the order to show cause, and its unequivocal threats and actions to suppress plaintiff's rights to free speech and freedom of the press, it is herewith requested that the court grant plaintiff's a summary judgement of \$2,500,000 against defendant David Rockefeller, Chase Manhattan Bank, et al.

Plaintiff further requests that defendants be ~~enjoined from~~ permanently enjoined from interfering with plaintiff in such ways as using agents and stooges to interfere in plaintiff's private life and interfering in plaintiff's business ~~xxx~~ affairs under false pretenses and to cease and desist from corrupting and bribing plaintiff's (Solomon O. Battle's) mother, brothers and sisters and from using them in schemes to violate plaintiff's rights to free speech and freedom from illegal searches and seizure. It is further requested of the Court that ~~xxxxx~~ the defendants be enjoined permanently from harassing, terrorizing Panther House stockholders, officers and plaintiff Solomon O. Battle's three children, Michele, Paula and Richard and his estranged wife, Jean Battle who is an officer of Panther House Ltd.

6/4/75

Solomon O. Battle [signed]
~~xxxx~~ Solomon O. Battle

7-A

AFFIDAVIT IN OPPOSITION TO DEFENDANTS AFFIDAVIT AGAINST A PRELIMINARY INJUNCTION

State of New York)
Count of New York): ss

Note to Court: This is another forged document

SOLOMON O. BATTLE, being duly sworn, says:

1. I am President of Panther House, Ltd. and make this opposition to defendant's request for a denial of a preliminary injunction.

2. Chase Manhattan states clearly the reasons for terminating the bank accounts of Panther House, Ltd in the letter of A. John Marino dated [Marino dated] 15 May 1975. He states that Panther House is "dissatisfied with our services and our officers and employers"

NOTE TO COURT: On the bonafide copy of this document filed with the court the text read "our officers and employees"

and in view of this

NOTE TO COURT: On the bonafide copy of this document filed with the court the text read "and in view of this"

they have determined to terminate the bank account. He does not allege any improper behavior of the part

NOTE TO COURT: On the bonafide copy of this document filed with the court the text read "behavior on the part".

of Panther House, its officers and members and such improper behavior alleged in Richard Hughes affidavit has not occurred ~~occurred~~ either before May 28, the date the complaint was filed nor has it ~~has it~~ occurred after May 28.

3. Plaintiff ~~has~~ has, however, objected to the arbitrary, capricious, illegal and malicious manner in which Chase Manhattan officers and employees have managed plaintiff's bank accounts and behaved toward plaintiff in insulting and threatening manner over the years since the bank accounts have been in force. Solomon O. Battle has objected verbally and in writing to the

to the bank's actions and his actions are clearly protected by the U.S. Constitution, the N.Y. State Constitution, the ~~EXECUTIVE LAW~~ N.Y. Executive Law (Article 15, SECTIONS 290-301 inclusive) and federal laws and statutes. Defendants have therefore clearly initiated their action to prohibit plaintiff's exercise of free speech and freedom of the press as defined in the U.S. Constitution and Richard ^{Hughes} affidavit is unequivocal proof of their illegal acts to restrain Solomon O. Battle's constitutionally protected rights.

4. It is incorrect that plaintiff and Panther House will not suffer irreparable injury, ~~loss~~ or damage by the Chase Manhattan Bank's illegal closing of the accounts as we have already suffered ~~irreparable~~ irreparable damage by their closing the accounts subsequent to the court's issuance of the show cause order.

5. Contemporaneously with this motion, plaintiff is requesting a summary judgement of \$2,500,000 against defendants since their actions have clearly demonstrated to the court that they are outlaws and clearly have violated plaintiff's civil rights and intend to do so over and above the objections of plaintiff and the jurisdiction of the court ~~by~~ providing first hand ~~undeniable~~ undeniable evidence in support of plaintiff's original complaint.

Sworn to me this 5th day of June 1975

NOTE TO COURT:

On this typewritten malafide copy of the court document, the signature of the notary public is missing and plaintiff does not recall which notary was used since plaintiff uses Margaret Wormser, Ralph Lee and on one occasion used a third notary public in the courthouse whose name plaintiff did not get except on the signed form which as indicated above has been substituted by this malafide copy which appears to have been done on plaintiff's own typewriter and if so it was done illegally by breaking and entering unless defendant and/or his/their agents obtained the cooperation and collusion of person(s) managing the building where plaintiff maintains his office.

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of Nathaniel L. Gerber, Assistant United States Attorney, defendant Nelson Rockefeller, in his capacity as Vice-President of the United States, will move this Court, on June 5, 1975 at 10:00 o'clock in the forenoon in Room 1506 of the United States Courthouse, Foley Square, New York, New York, for an order pursuant to Rule 12(b) of the Federal Rules of Civil Procedure dismissing the complaint for lack of subject matter jurisdiction with respect to defendant Nelson Rockefeller in his capacity as Vice-President of the United States and for failure to state a claim upon which relief can be granted together with such other and further relief as is just.

Dated: New York, New York
June 4, 1975

Yours, etc.,

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for defendant
Nelson Rockefeller in his
capacity as Vice-President
of the United States

By: Nathaniel L. Gerber [signed]
NATHANIEL L. GERBER
Assistant United States Attorney
Office and Post-Office Address:
United States Courthouse Annex
One St. Andrew's Plaza
New York, New York 10007
Telephone: (212) 791-1946

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

NATHANIEL L. GERBER, being duly sworn, deposes and says:

1. I am an Assistant United States Attorney for the Southern District of New York, attorney for defendant Nelson Rockefeller, in his capacity as Vice-President of the United States. I submit this affidavit in opposition to plaintiff's application for a preliminary injunction and in support of the Government's motion to dismiss the complaint with respect to defendant Nelson Rockefeller, in his capacity as Vice-President of the United States.

2. The underlying civil action, in which plaintiff appears pro se, seeks to enjoin the closing of plaintiff's checking account at the Chase Manhattan Bank, a National Banking Association ("Chase") as well as damages in the amount of \$2,500,000 from defendant David Rockefeller, the Chairman of the Board of Directors of Chase, and from defendant Nelson Rockefeller for engaging in a conspiracy of reprisal against plaintiff including the decision of Chase to close the aforementioned account.

3. The instant application for preliminary relief seeks to enjoin defendants from interfering with plaintiff's various civil rights, from engaging in any harrassment or intimidation of plaintiff and in particular from arbitrarily threatening to close and/or closing plaintiff's account at Chase. In addition, plaintiff seeks to enjoin James Smith, Comptroller of the Currency and C.M. Van Horn, Regional Administrator of National Banks, both of whom are not named as defendants, from permitting Chase to arbitrarily threaten to close and/or close the aforementioned account.

4. Based upon the allegations set forth in plaintiff's pleading and accompanying affidavits, it appears that plaintiff is dedicated to the return to Africa of Early African Arts and Treasures;

5. This Court lacks jurisdiction over the subject matter of the action with respect to defendant Nelson Rockefeller in his capacity as Vice-President of the United States. 28 U.S.C. 1343(3) and 42 U.S.C. 1983 apply only to acts committed under color of State statute or local law. The alleged acts of defendant Nelson Rockefeller which are the subject of this action relate only to his capacity as a private citizen. Accordingly, there is no cognizable basis of jurisdiction with respect to defendant Nelson Rockefeller in his capacity as Vice-President of the

United States.

6. This Court similarly lacks subject matter jurisdiction over the action with respect to James Smith, Comptroller of the Currency and C.M. Van Horn, Regional Administrator of National Banks, inasmuch as they have not been named as defendants and have not been served in accordance with the Order to Show Cause.

NOTE TO COURT: Mr Gerber's Affidavit is substantially deficient as was pointed out to him by Judge Werker. Judge Werker indicated that Regional Administrator's legal counsel, Mr Nathan, had been served as was the U.S. Attorney on behalf of Mr Smith. If memory serves me correctly, Mr Gerber apologized for this deficiency. Plaintiff points out that to his knowledge a court stenographer was typing the minutes but no transcript was ever made available nor was it in the record.

7. Plaintiff has failed to state a claim upon which relief can be granted in that he has set forth no facts in substantiation of his claim that defendant Nelson Rockefeller, Vice-President of the United States, has engaged in an unlawful conspiracy of intimidation and harassment against plaintiff.

WHEREFORE, it is respectfully requested that plaintiff's application for a preliminary injunction be denied in all respects and that the Government's motion to dismiss the complaint with respect to defendant Nelson Rockefeller in his capacity as Vice-President of the United States be granted.

Nathaniel L. Gerber [signed]
NATHANIEL L. GERBER
Assistant United States Attorney

Sworn to before me this
5th day of June, 1975.

S/ LAWRENCE MASON
Notary Public State of New York
No. 03-2572569
Qualified in Bronx County
Commission Expires March 30, 1977

10-A/NOTICE OF MOTION

State of N.Y. ()
City of N.Y. () ss.:
County of N.Y. ()

To: Hon. NELSON ALDRICH ROCKEFELLER, Vice President
United States of America
The White House
Washington, D.C.

Mr. DAVID ROCKEFELLER, Chairman
Board of Directors
Chase Manhattan Bank
1 Chase Manhattan Plaza
New York City, New York 10005

Mr. A. JOHN MARINO, Esq.
Attorney-at-Law
Chase Manhattan Bank
1 Chase Manhattan Plaza
New York, City, New York 10005

GREETINGS:

PLEASE TAKE NOTICE that upon the annexed affirmative deposition of SOLOMON O. BATTLE, as well as all papers and proceedings so far had hereon, Plaintiffs will move this Court, before Hon. Henry F. Werker, J., a judge of this court, in Room 1603, United States Court House, ST. Andrews Plaza, New York City, New York 10013, at 2:00 o'clock in the afternoon, on or before the 7th day of July, 1975, or as soon as maybe, for an Order Adjudging all Defendants Guilty of Criminal Contempt of this Court for Disobedience and disregard of lawful Court process;

NOTICE OF MOTION (10A) (continued)

and for an Order holding defendant A. John Marino over for disbarment proceedings, for the open and utter defiance and total disregard of the awful sanctions of this Court; and for such other and additional relief as shall then and there be just.

Dated: NYC, NY
June 4th, 1975

Respectfully submitted,
/s/.. Solomon O. Battle.....
SOLOMON O. BATTLE, President
Panther House, Limited
Plaintiff Pro se et al.
Box 3552
Grand Central Station
New York City, New York, 10017
(212)-982-3570

Copies:

Mailed to all defendants
at above addresses, as well
as service upon their counsel,
in care of A. John Marino, for
Marino and D. Rockefeller, and the
U.S. Attorney and U.S. Attorney General
for N. Rockefeller

10-A

MOTION FOR ADJUDGING DEFENDANTS GUILTY OF CRIMINAL CONTEMPT

State of N.Y. (
County of N.Y. (ss.:
City of N.Y. (

Honorable Court or Sir:

I, SOLOMON O. BATTLE, do now hereby affirm to be true, under the penalties of perjury the following allegations:

1. On 15 May 1975 a certain A. John Marino, Attorney, cause a letter to be sent to Plaintiff which, following the customary style of big-shot rhetoric, announced: "....If within 15 days of the date of this letter you have not done so, we will close the account and forward a check for the balance to you." (See Exhibit "B")

2. The above letter was received on 20 May 1975, and since this particular letter asserted the right to count weekends and holidays, contrary to both legal and political customs and usages, Plaintiff filed a complaint before this court on 28 May 1975, whereupon issued a writ of summons, directed to defendants as follows:

To: Hon. Nelson Aldrich Rockefeller, Vice-Prec.
United States of America
The White House
Washington, D.C.

"You are hereby summoned and required to serve upon SOLOMON O. BATTLE, whose address is 24 E. 21st, an answer to the complaint, which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint."

To: Mr. David Rockefeller, Chairman
Board of Directors
Chase Manhattan Bank
1 Chase Manhattan Plaza
New York City, New York, 10005

"You are hereby summoned and required to serve upon SOLOMON O. BATTLE, whose address is 24 E. 21st Street, NYC, 10010, an answer to the complaint, which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the demanded in the complaint."

3. Thereafter and on 29 May 1975 I was informed by ny [sic] Chief Legal Research Officer that he called the office of the aforementioned A. John Marino, and that, according to my Legal Research Officer, Casper Baker Gary, the following conversation is part of what was said:

MOTION FOR ORDER ADJUDGING DEFENDENTS GUILTY OF CRIMINAL CONTEMPT

"Dorothy Tersoff: Mr Marino's Office

Mr. Gary: Is Mr. Marino in?

Ms TERSOFF: No, he's not at the moment; can I take your message?

Mr. GARY: Yes, thank you. The Purpose of this call is to inform Mr Marino that an Order of summons to Show Cause why an Injunction should not issue has been obtained under the authority of U.S. "District Court Judge Henry F. Werker, which is directed to both NELSON and DAVID ROCKEFELLER and all persons duly authorized to act for them in the matters before the Court, which order was obtained with a view to prevent the threatened action contained in the letter of Mr. Marino under the date of 15 May 1975, and specifically the threat therein to "close the account".

The main purpose of this call is to fully apprise Mr. Marino, an attorney at law, of civil number 2524, that the said order is now outstanding, from the U.S. District Court, Southern District of New York, which no licensed attorney is at liberty to ignore. The hope here is that Mr. Marino will do nothing, nor cause any thing to be done, that would jeopardize or in any way immediately compromise, through want of timely notice, the rights of his principals, nor his professional stature as an officer of the U.S. District Court, by virtue of the summons in question."

MS: TERSOFF: Okay, very good. Can I have your name, Sir?

MR. GARY: Yes, certainly. Casper, like the Friendly Ghost, Baker, like the Cook, and Gary like Gary Cooper. I am listed in the Complaint, if you care to check further.

MS. TERSOFF: Could I have your phone number?

MR. GARY: The Panther House number, 982,3570. Now, if Mr. Marino wishes to get back to me concerning my message, I shall be waiting for the next half hour. Fair enough?

MS: TERSOFF: Okay, very good. I Let Mr. Marino know.

MS GARY: I would appreciate it very much if you did, Ma'am."

4. That Mr. Gary departed at 10:45 A.M., an hour after the time he made the call, he assured me, and was not present when Mr. Marino did return the call, and with the following message:

MR. A. JOHN MARINO: Tell Mr. Gary that I got his message and I thank him for the trouble, but that I am taking care that the account of Panther House is closed as I said, regardless of what the U.S. District Court may say, or have said. Good bye."

So saying, he caused the connection to be broken off immediately.

5. That instantly after the Marino call, Plaintiff called the Clerk of this Court and explained the Marino announcement, whereupon the Clerk advise that the problem be laid before whichever Justice that was available, so that this was soon done before Judge Lee Gagliardi, who then forthwith forbade by, Order to Show Cause, the threatened action of Mr. Marino, and immediately thereafter Mr. Marino was made aware of Judge Gagliardi's Order of 30 May 1975.

6. That thereafter and on June 2nd, 1975, the said A. John Marino, Attorney, did so oredr the threatened action, twice specifically forbidden by U.S. District Court Judges to be done, to be carried out to the letter of his 15 May 1975 threatening letter, using an undisclosed and unreceived letter of 29 April 1975 to defeat the jurisdiction of this Court and its prohibitions directed to him and his principals.

7. Thereafter and on the same day that Plaintiff discovered the evidence in the mail (attached hereto and marked "Exhibit "C"), Motion was made to this Court for Contempt citations.

8. That it is the main purpose of this motion to call attention to the truly gangster-like behavior of these defendants, because it is clearly evident that they are attempting to terrorize and intimidate your Plaintiffs, which attempts may bring defendants face to face with the rude awakening that is certain to follow should this high-handed WHITE POWER display continue unchecked, as being Black and poor does not authorize defendants to assume that liberty and justice is not to receive the most bitterest and most determined defense at all times.

9. That plaintiffs now believe that the record shows that these defendants are apparently determined to show that the laws that would ordinarily control defenannts before this Court are wanting when they appear, and their conduct can be explained only in their preoccupation with the facts of their great wealth, or the fact that they are of the White Race, a fact that may weigh far more heavily upon the minds of these defenannts than might be otherwise supposed from an examination of their outward practices and manner.

MOTION FOR ORDER ADJUDGING DEFENDANTS GUILTY OF CRIMINAL CONTEMPT

10. That a clear case has been set forth showing a Lawyer, A. John Marino, engaged in Watergate-type agency crimes, and if the United States Attorney General, JOHN MITCHELL, Richard Kleindeinst, and White House Counsel, JOHN DEAN, could not do as an agent what could not be done by their principal, the actions of A. JOHN MARINO are of the contemptuous variety, and must be so regarded in view of the Record.

1. That, for the several compelling reasons herein before set forth as well as many others that might be mentioned, it is respectfully submitted that this Court rule that, as a matter of law,

1. The Defendants are in criminal contempt of Court on the face of the record of this Court, and that no pleading can bring defendants past this offense prior to a full hearing thereon at the next term of this Court.
2. That no bank has the power or authority to arbitrarily and capriciously interfere with lawful accounts that are instigated through its operations, regardless of its opinion of the owner of the account;
3. That banks and bank employees are prohibited by law from using its vast resources to terrorize and intimidate such customers as it chooses to prefer for its good offices;
4. That both NELSON and DAVID ROCKEFELLER were given timely and adequate notice of the pendency of the instant proceeding, clearly provoked at the instigation of an agent authorized to act for them, and that they are answerable before this Court for the actions of the overzealous agent, A. JOHN MARINO.
5. That A. JOHN MARINO may properly be held over for hearings to test the assumption that he has acted as to warrant disbarment proceedings as against himself;
6. That the heavy gangster-like behavior of defendants was wholly and entirely unwarranted under the facts of this case, but was in violation of Plaintiffs rights to due process and equal protection of the laws of the United States as secured by the 14th Amendment to the United States Constitution, and protected by 28 United States Code, 1343-(3); 42 United States Code 1983, under which defendants are answerable to your Plaintiffs.

Respectfully Submitted,
 /s/ Solomon O. Battle.....
 SOLOMON O. BATTLE, President
 PANTHER HOUSE, LIMITED
 Plaintiffs Pro Se et al.
 Box 3552
 Grand Central Station
 New York City, New York, 10017
 (212)-982-3570

Dated: New York City, N.Y.
 4 June 1975

12A PLAINTIFFS AMENDMENT TO PLEADINGS

State of N.Y. ()
 County of N.Y. (ss.:)
 City of N.Y. ()

Honorable Court or Sir:

I, SOLOMON O. BATTLE, being duly sworn, according to law, deposes and says:

1. I am the same SOLOMON O. BATTLE named in the 28 May 1975 complaint before this Court, as well as the 30 May 1975 Order to Show Cause.
2. That I make this affidavit with a view to amend and further clarify the nature and quality of Plaintiffs' complaint as now before this Court.
3. That it is the contention, understanding and belief of Plaintiffs that, while serving as Governor of the State of New York, defendant NELSON ALDRICH ROCKEFELLER, with a view

12A PLAINTIFFS AMENDMENT TO PLEADINGS

to, inter alia, cause hurt, harm, and injury to plaintiffs in their monies, properties, rights and interests, did cause to be assembled and set in motion a secret New York State agency known as the New York Index Bureau, to be operated on the premises of the Chase Manhattan Bank, under the direction of his both brother and partner, DAVID.

4. That defendant NELSON ALDRICH ROCKEFELLER controlled, and continues so to control, the operations of the New York Index Bureau, even as a federal Employee, and especially as Vice-President of the United States.

5. That defendant A. JOHN MARINO are is personally involved in over-seeing operations of the New York Index Bureau.

6. That all actions so far complained of emanated, and continues so to emanate, from the New York Index Bureau/Chase Manhattan Bank.

NOTE TO THE COURT: The Index system letterhead lists an office at 85 John Street, NYC 10038. The New York Index Bureau has an unlisted telephone number: 212/433-5736 and the Vice President is reportedly Bernard L. Hines, Jr. The Index system has offices in Chicago, IL; Cleveland, OH; Los Angeles, CA; Philadelphia, PA (Mideast Index Bureau); Boston, MA (New England Index Bureau); San Francisco, CA (Pacific Coast Index Bureau); St. Louis, MO; Atlanta, GA (Southeast Index Bureau); Dallas, TX (Southwest Index Bureau). Some of these bureaus have listed telephone numbers. All operate under the cover of providing insurance casualty reports even though this information is governed by the Fair Credit Reporting Act. Thus, any way it is looked at, the New York Index Bureau operates clandestinely allowing no one the opportunity of contesting the invalidity of its credit and insurance reports and other illegal activities in violation of numerous city, state, federal and Constitutional guarantees. The Bureau is known also as the Central Index Bureau, Manhattan Index Bureau, and has a location in the Home Insurance Company Building, Rm 1230, which has an address also of 107 William Street as well as 59 Maiden Lane on property which according to Mr Moynihan of the Chase Manhattan Bank real estate department is leased to Chase Manhattan Bank and had not been subleased to any other individual or organization as of 26 March 1975, the date this plaintiff questioned Mr Moynihan and Mr Wells of Chase consumer affairs department. Sr. Corporate planner, Robert H. Riley, a vice-president, also confirmed in a telephone conversation and personal meeting the ownership of this secret bank owned organization. Defendant A. John Marino maintained that the bank does not own it (Exhibit (1A) B).

7. That Plaintiffs pleads for relief not only under the provisions of 28 USC, 1343-(3); 42 USC, 1983, but as provided by 18 USC, ss 241 and 242 as well, which reaches the overall conspiratorial nature of the actions complained of.

8. That for these and other reasons so far set forth to be reviewed, Plaintiffs believes the 12-B-(2)-(6), FRCP, USDC Motions to Dismiss should be disallowed, and judgment had in favor of plaintiffs.

Respectfully Submitted,
/s/ Solomon O. Battle..
SOLOMON O. BATTLE, Pres.
PANTHER HOUSE, LIMITED
Box 3552
Grand Central Station
New York City, N.Y. 10017
Plaintiff Pro Se et al.

State of N.Y. (
County of N.Y. (ss.:
City of N.Y. (

Sworn to me on this
____ day of June, 1975 [12th]

/s/ [Margaret Wormser]

NOTE TO COURT: Plaintiff no longer has a notarized copy of this document, but the notary and the date are from memory.

13A - RULE 31, FEDERAL RULES OF CIVIL PROCEDURE, UNITED STATES DISTRICT COURT:
INTERROGATORIES

State of N.Y. (
County of N.Y. (ss.:
City of N.Y. (

To: Hon. Nelson Aldrich Rockefeller
Vice-President
United States of America
The White House
Washington, D.C.

Sir:

As principal Plaintiff in the above entitled action, in which you are joined as the principal defendant, I will now proceed to propound certain interrogatories to you, pursuant to RULE 31, FRCP, USDC- (a), to which your response is required within 10 days, which interrogatories are as follows:

1. Specifically, when did you first learn that Plaintiff was directing an organization whose primary aim had been at the time to force you to relinquish your assertions of ownership over certain early African Art collections?
2. What, if anything, did you do, or cause to be done, in respect of Plaintiff SOLOMON O. BATTLE, as a result of such knowledge?
3. Specifically, when did you set up, or cause to be set up, as Governor of the State of New York, a secret New York State Agency known as the New York Index Bureau?
4. Specifically, what is the purpose and function of the secret state agency known as the New York Index Bureau?
5. Specifically, how many other names is the secret New York State Agency known as the New York Index Bureau also known by, to your knowledge?
6. What specifically, is the function of you and/or your brother, DAVID, abovenamed, in this secret New York State agency known as the New York Index Bureau?

Yours, Truly,
/s/... Solomon O. Battle.....
SOLOMON O. BATTLE, Pres.
PANTHER HOUSE, LIMITED
Box 3552
Grand Central Station
New York City, N.Y., 10017
Plaintiff Pro se et al.

Dated: NYC, NY
12 June 1975

13A- RULE 31, FRCP, USDC: INTERROGATORIES

State of N.Y. (
County of N.Y. (ss.:
City of N.Y. (

TO: Mr DAVID ROCKEFELLER, Chairman
Board of Directors
Chase Manhattan Bank
1 Chase Manhattan Plaza
New York City, New York 10005

Sir:

As principal plaintiff in the above-entitled action, in which you are joined as a principal defendant, I will now proceed to propound certain interrogatories to you, pursuant to RULE 31, FRCP, USDC-(a), to which your response is required and expected within 10 days, which interrogatories are as follows:

1. Specifically, what is your official duties in the secret New York State agency known as the New York Index Bureau?
2. Specifically, what is the precise connection of the secret New York State agency, known as the New York Index Bureau, to the Chase Manhattan Bank of which you are the principal Executive Officer?
3. Specifically, what conversations have you had with your brother, NELSON, abovenamed, as to actions to be taken as against Plaintiff SOLOMON O. BATTLE?
4. What, if any orders did you give, or cause to be given, concerning the matter being complained of before this Court by the Plaintiff, SOLOMON O. BATTLE?

13A - RULE 31 FRCP, USDC: INTERROGATORIES (continued)

Yours, Truly,
/s/... Solomon O. Battle.....
SOLOMON O. BATTLE, Pres.
PANTHER HOUSE, LIMITED
Box 3552
Grand Central Station
New York City, NY. , 10017
Plaintiff Pro Se et al.

Dated: NYC, NY
12 June 1975

13A - RULE 31 FRCP, USDC: INTERROGATORIES

State of N.Y. (
County of N.Y. (ss.:
City of N.Y. (

To: Mr. RICHARD HUGHES, Vice-President
Chase Manhattan Bank
1 Chase Manhattan Plaza
New York City, New York, 10005

Sir:

As principal Plaintiff in the above-entitled action, in which you have submitted an affidavit in defense and justification of the actions set forth to be reviewed, I will now proceed to propound certain interrogatories to you, pursuant to RULE 31, FRCP, USDC-(a), to which your response is expected within 10 days, which interrogatories are as follows:

1. What, specifically, are your duties at the Chase Manhattan Bank that makes your affidavit in this case a matter which the Court must accord the weight of an informed witness?
2. What, if any, specifically stated orders did you give, or cause to be given, to Mr. A. JOHN MARINO with respect to the actions threatened in his 15 May 1975 letter to Plaintiff BATTLE?
- 3.. Specifically, what is your official connection to the secret New York State agency known as the New York Index Bureau?
4. What, specifically, are your instructions from NELSON and/or DAVID ROCKEFELLER in respect of Plaintiff SOLOMON O. BATTLE?
5. Specifically, from whom did you seek information as to the legal propriety, or the lack of same, of the actions ordered by Mr. MARINO on June 2nd, 1975?

Yours Truly,

/s/... Solomon O. Battle.....
SOLOMON O. BATTLE, Pres.
PANTHER HOUSE, LIMITED
Box 3552
Grand Central Station
New York City, N.Y. 10017
Plaintiff Pro Se et al.

Dated: NYC, NY
12 June 1975

13A-RULE 31, FRCP, USDC: INTERROGATORIES

To: Mr. A. JOHN MARINO, Esq.
Attorney-at-Law
Chase Manhattan Bank
1 Chase Manhattan Plaza
New York City, N.Y. 10005

Sir:

As principal plaintiff in the above-entitled action, in which you are now joined as a party-defendant, I will now proceed to propound certain interrogatories to you, pursuant to RULE 31, FRCP, USDC-(a), to which your response is expected within 10 days, which interrogatories are as follows :

1. Is it your contention that you were not sufficiently notified as to Judges Werker and Gagliardi's Orders prior to your ordering the June 2nd, 1975 action as against Plaintiff SOLOMON.O. BATTLE?

2. Specifically, who, if anyone, ordered you to proceed with the action as threatened in your 15 May 1975 letter to Plaintiff BATTLE?
3. What, specifically, is your connection to the secret New York State agency known as the New York Index Bureau?
4. Specifically, when is it, in terms of time, date and place, do you expect to confer with your principals concerning your 15 May 1975 actions as against Plaintiff BATTLE?
5. Specifically, what is the date, time, place and manner of your notice as to the pendency of action in this Court, and/or the outstanding addressed expressly to the threatened in your 15 May 1975 letter to Plaintiff BATTLE?
6. Who, if anyone, do you claim informed you of the same?

Yours, Truly,
 /s/.....Solomon O. Battle.....
 SOLOMON O. BATTLE, Pres.
 PANTHER HOUSE, LIMITED
 Box 3552
 Grand Central Station
 New York City, N.Y. 10017
 (212) 982-3570
 Plaintiff Pro Se et al.

Dated: 12 June 1975
 NYC, NY

14A-MOTION TO DISMISS DEFENDANTS PAPERS

State of N.Y. (
 County of N.Y. (ss.:
 City of N.Y. (

TO: NELSON ALDRICH ROCKEFELLER
 Vice-President
 United States of America
 The White House
 Washington, D.C.

Mr. DAVID ROCKEFELLER, Chmn
 Board of Directors
 Chase Manhattan Bank
 1 Chase Manhattan Plaza
 New York City, New York 10005

Mr. A. JOHN MARINO, Attorney
 Chase Manhattan Bank
 1 Chase Manhattan Plaza
 New York City, New York City, 10005

GENTLEMEN:

PLEASE TAKE NOTICE that upon the annexed motions of SOLOMON O. BATTLE, the AFFIDAVIT OF CASPER BAKER GARY, as well as all other papers and proceedings herein, plaintiffs will move this Court, at a Term to be held in Room 1505 of the United States Court House, Foley Square, New York City, New York, 10007, before the Hon. Henry F. Werker, a Judge of this Court, at 10:00 o'clock in the forenoon, on the 16th day June 1975, or as soon as may be, for an Order disallowing the Rule 12-B-(2)-(6) Motions to Dismiss filed on behalf of the defendants at the June 5th, 1975 Term of this Court by Counsel for the same, on the grounds that Plaintiffs, petition, as now amended, sufficiently supplies a more definite statement of Plaintiffs' original complaint, and to which amended complaint Defendants must now re-plead, as the amendments are as follows:

1. The Action complained of begun in 1968, while Defendant N. Rockefeller was Governor of the State of New York, which action was directed and coordinated through a device of the Executive known as the New York Index Bureau, which is a secret State agency;
2. That N. Rockefeller appointed D. Rockefeller to head this clandestine agency and its numerous secret branches across the country so as to, among other things, cause hurt, harm and injury to plaintiffs in their monies, property rights and interests;

3. That N. Rockefeller continues to run the secret agency now, while a federal employee.

/s/..Solomon.O..Battle.....
SOLOMON O. BATTLE, President
PANTHER HOUSE, LIMITED
Plaintiff Pro Se et al.
Box 3552
Grand Central Station
New York City, N.Y. 10017

COPIES MAILED TO
cc: All Defendants and their Counsel of Record

15-A
AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS

State of N.Y. (
County of N.Y. (ss.:
City of N.Y. (

Honorable Court or Sir:

I, Casper Baker Gary, being duly sworn according to law, deposes and says:

1. That I am a citizen of the United States, and the State of New York, as defined by the 14th Amendment to the United States Constitution.
2. That I am a Vice-President of PANTHER HOUSE, LTD., as well as Secretary, in which capacity I function as Chief Legal Research Officer, which consists of endeavoring to ascertain such laws as are provided for various situations, when required so to do by the President of PANTHER HOUSE.
3. That I make this affidavit with a view to acquaint this court with the circumstances specifically that surrounded the attempts at legal notice to the abovenamed defendants.
4. That at 9:30 A.M. on the 29th of May, 1975, I began the procedures for the notification of Mr. A. JOHN MARINO, mainly because it was a letter of threatened action by him under the date of 15 May 1975 that created the need for immediated judicial intervention.
5. That it is now, and has been always, that plaintiffs are advantageously served in every good action at law to take care that defendants are fully informed of all accusations outstanding as against them, so that their right of confrontation, of counsel, speedy trial, etc., may be safely looked after, without prejudice to plaintiffs.
6. That, so persuaded, I undertook to call defendant Marino, but eventually reached his secretary instead, with whom I carefully described to her the legal situation as I felt it should be represented, whereupon she assured me that the whole of my message would be carefully transmitted to Mr. Marino.
7. That defendant Marino, a licensed attorney, did in fact call back after I departed from the PANTHER HOUSE office, re-newing his 15 May 1975 threats, thereby precipitating the occasion for the order to show cause of Hon. Lee Gagliardi, a judge of this Court, whose Order was similarly disregarded.
8. That the explanation for Mr. Marino's action cannot be truefully related to want of due notice, since not only was he notified in time, but he personally acknowledged same.

Respectfully Submitted,
/s/....Casper Baker Gary.... [signed]
CASPER BAKER GARY, Vice-Pres.
PANTHER HOUSE, LIMITED
622 East 11th Street
No. 22
New York City, N.Y. 10009
(212)-982-3570

State of N.Y. (
County of N.Y. (ss.:
City of N.Y. (

Sworn to before me this day of June, 1975

16-A
AFFIDAVIT OF ANDREW J. CONNICK

ANDREW J. CONNICK, being duly sworn, says:

1. I am a member of the firm of Milbank, Tweed, Hadley & McCloy, attorneys for defendant David Rockefeller. I am familiar with the proceedings in this action and submit this affidavit in support of David Rockefeller's motion to dismiss the complaint herein.
2. Plaintiffs' complaint asks for judgment enjoining the closing of certain accounts of

Panther House, Ltd. at The Chase Manhattan Bank, N.A. and awarding damages in the amount of \$2,500,000 against defendants.

3. The original complaint failed to describe any action by David Rockefeller taken under color of state law to deprive plaintiff of rights secured by the Constitution and laws of the United States, as is necessary to sustain an action under 42 U.S.C. § 1983. Accordingly, defendant David Rockefeller moved under Rule 12(b) (6) of the Federal Rules of Civil Procedure to dismiss the complaint as against him for failure to state a claim upon which relief can be granted.

4. Plaintiffs have purportedly amended their complaint. However, the amendments are conclusory, without factual support and fail to cure the deficiencies in the original complaint.

WHEREFORE, defendant David Rockefeller requests that an order be entered dismissing the amended complaint as against him.

Andrew J. Connick [signed]

Sworn to before me this
13th day of June, 1975

Janice K. Johnson [signed]
JANICE K. JOHNSON
NOTARY PUBLIC, State of New York
No. 24-7098965
Qualified in Kings County
Cert. Filed in New York County
Commission Expires March 30, 1976

11-A

RULE 15, FRCP/USDC: SUPPLEMENTAL MOTION

State of N.Y. (
County of N.Y. (ss.:
City of N.Y. (

Honorable Court or Sir:

I, SOLOMON O. BATTLE, do hereby affirm to be true, under the penalties of perjury, the following allegations:

1. That I am the same SOLOMON O. BATTLE abovenamed.
2. That I have received the 13 June 1975 affidavit of ANDREW J. CONNICK, Esq., on behalf of DAVID ROCKEFELLER, TO to which this motion responds, there being ~~no~~ pleas on behalf of defendant MARINO.
3. HISTORY OF THE CASE
 - A. THE AFRICAN ART COLLECTION AND TREASURE UNDER THE PUBLIC CLAIMS OF OWNERSHIP BY NELSON ALDRICH ROCKEFELLER.

It awws the public assertion of ownership of certain early African Arts and Treasures that inspired the campaign of the COMMITTEE FOR THE REPATRIATION OF THIRD WORLD ART. Others could have advanced similar claims, no doubt, and no doubt did. This was 1968, and it was plaintiff SOLOMON O. BATTLE who took up the claims of N.A. ROCKEFELLER and demanded that he abandon his claims. After a somewhat bitter exposure-and-reprisal campaign, the collection was given to the charge of the METROPOLITAN MUSEUM OF MODERN ART,

B. THE SECRET REPRISAL CAMPAIGN OF NELSON ALDRICH ROCKEFELLER THROUGH THE NEW YORK INDEX BUREAU, A SECRET AGENCY OF THE STATE OF NEW YORK

The exposure campaign of ~~solomon~~ ^{Plaintiff} BATTLE was met by a variety of threats, attempted crimes-of-person of one sort or another, various schemes to discredit and destroy PANTHER HOUSE, and, finally, the latest operation to completely disrupt all business projects by creating financial chaos, which ~~br~~ brought matters to the present pass.

C. THE ORIGIN, NATURE AND EXTENT OF LITIGATION SO FAR SET FORTH TO BE REVIEWED

One of the administrators of the secret New York State agency known as the New York Index Bureau, a certain A. JOHN MARINO, threatened by letter under the date of 15 May 1975, to close the PANTHER HOUSE account at Chase Manhattan Bank. This induced plaintiffs to sue in this court to restrain the said threatened actions. Notified on 29 May 1975 of the

pendency of a suit to restrain him, the said MARINO announced his intentions to disregard the Court summons. When this was related to this Court, Judge Lee GAGLIARDI forbade the carrying out of the said threat. Again, informed of the Court order forbidding his action, MARINO announced his intentions to ignore the same, which he did. Upon this aspect of the record alone, Plaintiffs seeks an order holding defendants in contempt as a matter of law.

ANDREW J. CONNICK, Esq., of MILBANK TWEED HADLEY & McCLOY, appeared for DAVID ROCKEFELLER, and joined NATHANIEL L. GERBER, Esq., Asst. U.S. Atty, who appeared for NELSON ROCKEFELLER, in a RULE 12-b-(2)-(6) Motion to Dismiss.

On June 5, 1975 the pleadings were argued before Hon. HENRY F. WERKER, J., whereupon the court raised the temporary Injunction, the need for the continuation of which being the reason for the said hearing. The Court set the hearing on the Defendants 17 June 1975 Motion to dismiss down for June 16th, 1975. Plaintiffs' Motion for Contempt on the 7th of July, 1975, was left for that date.

On 11 June 1975 Plaintiffs filed a RULE 15, FRCP/USDC Motion in Amendment of Pleadings, with Interrogatories going to Defendants N. and D. Rockefeller, R. Hughes, and A. Marino under RULE 31, FRCP/USDC. Andrew J. Connick, Esq., replied to the Motion by an Affidavit under the date of 13th June 1975, which objected by continuing defendants original motion to dismiss.

Defendants will no doubt file memorandums of law, in due course, as will Plaintiffs. The present Motion is made with a view to clarify the issues that are presently before this Court.

POINT ONE

PLAINTIFFS DID PROPERLY IMPLEAD JURISDICTION UNDER 28 USC 1343-(3); 42 USC 1983, AND THE RELIEF REQUESTED SHOULD BE GRANTED

All defendants are New York State officials, ^{and} ~~and~~ the acts complained of were taken under color of New York State Laws, regulations, customs and usages. The argument that this is conclusory skips over the fact that defendant Marino merely acts to conceal the secret state agency when he closed the PANTHER HOUSE account. The fact that specific state laws are not cited is by the way, since he is a lawyer. It certainly not a case of any declarations of outlawry.

POINT TWO

ALL PARTIES ARE ESTOPPED, AS A MATTER OF LAW, FROM PROCEEDING INTO ANY MATTER THAT IS ALREADY BEFORE A COURT OF COMPETENT JURISDICTION TO PROHIBIT SAME, ESPECIALLY WHERE THE PROHIBITION ORDER IS ALREADY OUTSTANDING

If a defendant knows that the legality of a planned course of conduct is already placed before a Court of Competent jurisdiction for decision, then he cannot proceed to carry out the action before the Court has spoken. If the defendant is a licensed attorney, he is an officer of the Court, in the contemplation of the law, and he has a sworn duty to respect every Court order addressed to him by name, any failure to do which is criminal contempt, and is enforceable as such at any time thereafter.

To be guilty of criminal contempt, a person must know that his actions, or the lack of same, are expressly forbidden by a Court of competent jurisdiction. Such matters are most serious.

CONCLUSION

AS SO FAR PLEADED, PLAINTIFFS SHOULD HAVE THE WRITS.

DATED: NYC, NY
20 June 1975

Copies are served upon
defendants and their counsel

Respectfully submitted,
/s/ Solomon O. Battle..
SOLOMON O. BATTLE, Pres.
PANTHER HOUSE, LIMITED
Box 3552
GRAND CENTRAL STATION
New York City, N.Y. 10017
Plaintiff Pro se et al.

[forged signature]

NOTE TO COURT: THIS DOCUMENT IS A FORGERY probably typed on Mr Gary's typewriter but definitely involving employees of the court either and/or below/above, the U.S. Attorney and defendant D. Rockefeller's attorney. They should all be investigated and sentenced to jail.

THE CHASE MANHATTAN BANK
National Association

MAY 20 1975



1 Chase Manhattan Plaza, New York, New York 10015

IN REPLYING PLEASE REFER TO

May 15, 1975

Panther House Limited
P.O. Box 3552
New York, New York 10017

ATTENTION: Mr. Solomon O. Battle, President

Dear Mr. Battle:

Your letters of March 24, April 3, 4, 5, 6 and 7, 1975, directed to Mr. Rockefeller, have been referred to the undersigned for attention and reply.

With respect to the comments contained in your letter of March 24, 1975, concerning information with respect to Panther House Ltd., it is the policy of the Bank to release account information only in response to legitimate credit inquiries and to give no information above and beyond what is requested. Moreover, it is Bank policy to observe all legal requirements applicable to its relations with its customers.

We acknowledge your letter of April 4, 1975, whereby you cancel your verbal request to Mr. Leonard for credit reports on the United Negro College Fund and the New York Index Bureau.

In response to your comments with respect to the Fair Credit Reporting Act, we note that the Act applies only to credit agencies. Neither the Bank nor any of its affiliates is a credit agency, nor does the Bank operate or control, directly or indirectly, the New York Index Bureau, the Central Index Bureau or the Manhattan Index Bureau.

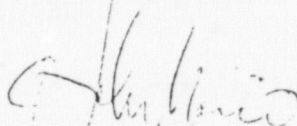
In the course of our investigations of the matters referred to in your letter, we have interviewed all the personnel whose conduct you have referred to. We have concluded that their actions have conformed to Bank policy and to the high standards which we attempt to maintain in dealing with our customers.

We are of the opinion, based upon your correspondence, that despite our best efforts you are dissatisfied with our services and our officers and employees. In view of this and in order to promptly

1-A
EXHIBIT
B 9

and properly resolve this matter to the benefit of all parties involved, we have determined that our banking relationship should be terminate . We, therefore, suggest that you close the account of Panther House Ltd. If within 15 days of the date of this letter you have not done so, we will close the account and forward a check for the balance to you.

Very truly yours,



A. John Marino
Attorney
Legal Department

AJM:dt

1-A
EXHIBIT
B
P.2

MAY 22 1975

THE REGIONAL ADMINISTRATOR OF NATIONAL BANKS

SECOND NATIONAL BANK REGION
33 LIBERTY STREET, ROOM 621
NEW YORK, NEW YORK 10005

Exhibit A
2-A

May 19, 1975

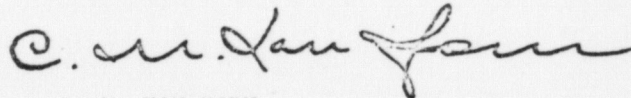
Mr. Solomon O. Battle
Panther House, Ltd.
Box 3552
New York, New York 10017

Dear Mr. Battle:

Your letter of May 1, 1975 concerning The Chase Manhattan Bank (National Association), New York, New York, has been referred to this Office for reply.

We are looking into this matter and will be in touch with you again as soon as our investigation is completed.

Very truly yours,



C. M. VAN HORN
Regional Administrator of National Banks

ADVICE OF CREDIT

THE CHASE MANHATTAN BANK, N.A.

BRANCH ADDRESS 422 LEXINGTON AVENUE	DEPARTMENT NT.	DATE (MONTH-DAY-YEAR) 6/2/75
We have credited your account as follows, subject to the provisions of the Uniform Commercial Code:		
TO REVERSE OVERDRAFT AND CLOSE SUBJECT ACCOUNT AS PER LETTER OF APRIL 29, 1975 WRITTEN BY A. JON MARINO ATTY	ACCOUNT NUMBER 003 1 079502	
	TOTAL AMOUNT	
	DOLLARS \$ 2.74	CENTS

TO

PANTHER HOUSE LTD. H.ACCT.
P.O.BOX 3552
NEW YORK, N.Y. 10017

B MISC. 4 REV. 5-74

BES

We urge you to retain this advice to assist you in reconciling your account.



THE CHASE MANHATTAN BANK

National Association

New York, N.Y. 10015

No. 966513

Branch 003

Date 6/2/75

1-2
210Pay to the
order of

PANTHER HOUSE LTD. DISB ACCT*****

\$ 106.49**

C.M.E.N.A.
ER. 3

106 DOLS 49 CTS

AUTHORIZED SIGNATURE

⑈0966513⑈ ⑆0210⑈0002⑈ 412⑈6⑈000018⑈

THE CHASE MANHATTAN BANK, N.A.



ADVICE OF DEBIT

BRANCH ADDRESS 422 LEXINGTON AVENUE N.Y. N.Y. 10017	DEPARTMENT NT..	DATE 6/2/75
WE HAVE DEBITED YOUR ACCOUNT AS FOLLOWS:		AMOUNT
OUR OFFICAL CHECK ENCLOSED FOR BALANCE IN SUBJECT ACCOUNT AS PER LETTER OF APRIL 29, 1975 WRITTEN BY A JOH MARINO'S ATTY...		\$109.23
ACCOUNT NUMBER 003-1-071434		

PANTHER HOUSE LTD DISB ACCT.
P.O.BOX 3552
NEW YORK, N.Y. 10017

We urge you to retain this advice to
assist you in reconciling your account.

3-A

Exhibit A

Deposited in
THE CHASE MANHATTAN BANK, N. A.
 And accepted subject to the Provisions of the Uniform Commercial Code

DATE 25 June 75 25 JUN 75

ACCOUNT TITLE (NAME)
PANTHER HOUSE LTD
 BANK ACCOUNT

CASH

DOLLARS		NTS
CHECKS	1	
List (Separately)	2	
	3	
	4	
	5	
	6	
	7	
TOTAL DEPOSIT		

CUSTOMER'S RECEIPT
CHECKING DEPOSIT

12 0034 40750 PM 5

TO ACCOUNT OF PANTHER HOUSE LTD H ACCT

DATE 25 June 75 25 JUN 75

DEPOSITED IN
THE CHASE MANHATTAN BANK, N.A.
This deposit accepted under and subject to the provisions of the Uniform Commercial Code

Cash
 Checks
List separately

DOLLARS	NTS
1	
2	
3	
4	
5	
6	
7	
8	
9	
TOTAL	

CUSTOMER'S RECEIPT
CHECKING DEPOSIT

THANK YOU

12 0034 40750 PM 5

3-A
 Exhibit B

ADVICE OF CREDIT

THE CHASE MANHATTAN BANK, N.A.

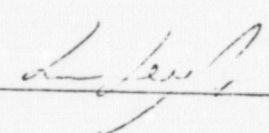
BRANCH ADDRESS 422 LEXINGTON AVENUE		DEPARTMENT NT.	DATE (MONTH-DAY-YEAR) 6/2/75
We have credited your account as follows, subject to the provisions of the Uniform Commercial Code:		ACCOUNT NUMBER 003 1 079502	
TO REVERSE OVERDRAFT AND CLOSE SUBJECT ACCOUNT AS PER LETTER OF APRIL 29, 1975 WRITTEN BY A. JON MARINO ATTY		TOTAL AMOUNT DOLLARS CENTS \$ 2.74	

TO PANTHER HOUSE LTD. H. ACCT.
P.O. BOX 3552
NEW YORK, N.Y. 10017

B MISC. 4 REV. 5-74

HES

We urge you to retain this advice to assist you in reconciling your account.

THE CHASE MANHATTAN BANK National Association New York, N.Y. 10015		No. 966513
Branch 003	Date 6/2/75	1-2 210
Pay to the order of	PANTHER HOUSE LTD. DISB ACCT*****	\$ 106.49**
C M B N.A. SER. 3 106 DOLS 49 CTS		
 AUTHORIZED SIGNATURE		
⑈0966513⑈ ⑆02⑆0⑈0002⑆ 4⑆2⑈6⑈0000⑆8⑈		

THE CHASE MANHATTAN BANK, N.A.

ADVICE OF DEBIT

BRANCH ADDRESS 422 LEXINGTON AVENUE N.Y. N.Y. 10017	DEPARTMENT NT..	DATE 6/2/75
WE HAVE DEBITED YOUR ACCOUNT AS FOLLOWS:		AMOUNT
OUR OFFICIAL CHECK ENCLOSED FOR BALANCE IN SUBJECT ACCOUNT AS PER LETTER OF APRIL 29, 1975 WRITTEN BY A JON MARINO'S ATTY...		\$109.23
ACCOUNT NUMBER 003-1-071434		

PANTHER HOUSE LTD DISB ACCT.
P.O. BOX 3552
NEW YORK, N.Y. 10017

We urge you to retain this advice to
assist you in reconciling your account.

B MISC 3 REV. 6-70 PTD. 10-73

B 25

10-A
EXHIBIT
C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Office of the Clerk
UNITED STATES COURT HOUSE, FOLEY Sq.
NEW YORK, N.Y. 10007

SOLOMAN O. BATTLE
Box 3552
Grand Central Station
N.Y., NY. 10017

Date July 1, 1975

TITLE : BATTLE - v- ROCKERFELER

DOCKET NUMBER : Pro Se 75 Civ 2524

DECISION DATE : June 24, 1975

JUDGE : Werker

Sir

THERE IS ENCLOSED HERewith A COPY OF A DECISION FILED AND
ENTERED IN THE ABOVE ENTITLED PROCEEDING .

c.c.

U.S. Attorney S.D.N.Y.

Very Truly Yours

RAYMOND F. BURGHARDT

By Joel Blum

Deputy Pro Se Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED IN CHAMBERS
OF JUDGE HENRY F. WERKER
JUN 5 1975

-----X
The People of the United States of :
America ex rel. SOLOMON O. BATTLE, :
Pres., PANTHER HOUSE, LTD., et al., :
Plaintiffs, :



-against-

NOTICE OF MOTION

NELSON ALDRICH ROCKEFELLER, Vice- :
Pres., U.S.A.; DAVID ROCKEFELLER, :
Chmn. of the Bd. of Drs., Chase :
Manhattan Bank, :

75 Civ. 2524 (HFW)

Defendants.

RECEIVED IN CHAMBERS
OF JUDGE HENRY F. WERKER

JUN 5 1975

S I R S :

PLEASE TAKE NOTICE that upon the complaint, the undersigned will move this Court before the Honorable Henry F. Werker, at the United States Courthouse, Southern District, Foley Square, New York, N.Y. on June 17, 1975, or as soon thereafter as counsel can be heard for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing plaintiff's complaint against David Rockefeller for failure to state a claim upon which relief can be granted and for such other and further relief as the Court deems appropriate.

Dated: June 4, 1975,
New York, N.Y.

MILBANK, TWEED, HADLEY & McCLOY

By *Andrew J. Sullivan*
(A Member of the Firm)
One Chase Manhattan Plaza
New York, N.Y. 10005
Attorneys for Defendant
David Rockefeller

TO: Solomon O. Battle, pro-se
Panther House, Ltd.
24 East 21st Street
New York, New York
Room 706

5 Civ. 2524 (HFW)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The People of the United
States of America ex rel.
SOLOMON O. BATTLE, Pres.,
PANTHER HOUSE, LTD., et al.,

Plaintiffs,

-against-

NELSON ALDRICH ROCKEFELLER,
Vice-Pres.; U.S.A.; DAVID
ROCKEFELLER, Chmn. of the Bd.
of Drs., Chase Manhattan
Bank,

Defendants.

NOTICE OF MOTION

MILBANK, TWEEDE, HADLEY & MCCLOY
1 CHASE MANHATTAN PLAZA
NEW YORK, N. Y. 10005
212-422-2600
ATTORNEYS FOR defendant
David Rockefeller

1

McFadden
to be added
June 24, 1975

Handwritten
McFadden
June 11, 1975

Copy
to [unclear]

John [unclear]

4 June

23

S. D. DISTRICT COURT
FILED
JUN 26 1975
S. D. OF N. Y.

MICROFILM

JUN 26 1975

MEMO ENDORSED

75-173

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

SOLOMON O. BATTLE, et al.,

Plaintiffs,

-v-

NELSON ROCKEFELLER, Vice President
of the United States, et al.,

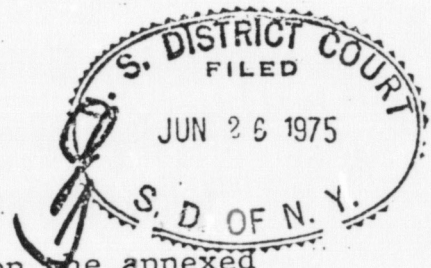
Defendants.

-----x

S I R S :

NOTICE OF MOTION

75 Civ. 2525 (HFW)
Pro Se



PLEASE TAKE NOTICE that upon the annexed

affidavit of Nathaniel L. Gerber, Assistant United States Attorney, defendant Nelson Rockefeller, in his capacity as Vice-President of the United States, will move this Court, on June 5, 1975 at 10:00 o'clock in the forenoon in Room 1506 of the United States Courthouse, Foley Square, New York, New York, for an order pursuant to Rule 12(b) of the Federal Rules of Civil Procedure dismissing the complaint for lack of subject matter jurisdiction with respect to defendant Nelson Rockefeller in his capacity as Vice-President of the United States and for failure to state a claim upon which relief can be granted together with such

notice that a
copy, was this day
him entitled action,
the of this Court.

19

etc.,

United States Attorney
Attorney for

Attorney for

at the within
settlement and sig-
le
Judge, at the office of
United States Court-
Borough of Manhat-
on the day of
10:30 o'clock in the
thereafter as coun-

19

etc.,

United States Attorney
Attorney for

Attorney for

United States District Court

SOUTHERN DISTRICT OF NEW YORK

SOLOMON O. BATTLE, et al.,

Plaintiffs,

-v-

NELSON ROCKEFELLER, Vice-President
of the United States, et al.,

Defendants.

NOTICE OF MOTION AND
AFFIDAVIT
75 Civ. 2525 (HEW) Pro Se

PAUL J. CURRAN

United States Attorney
Attorney for Nelson Rockefeller

Due service of a copy of the within is here-
by admitted.

New York, 19

Attorney for

To

Attorney for

FPI-SS-6-13-74-SOM-1214

Received - Rock of New York
Filed 6/15/75
June 24, 1975
Henry H. S. Dg.
6/15/75
Rec'd 6/15/75



MICRO
JUN 2

REASON: EDITOR ROCKEFELLER, VICE PRESIDENT, U.S.A.,
THE WHITE HOUSE, WASHINGTON, D.C.; DAVID ROCKEFELLER,
CHMN, BOARD OF DIRECTORS, CHASE MANHATTAN BANK, 1
CHASE MANHATTAN PLAZA, NEW YORK CITY, N.Y., 10005;
A. JOHN MARINO, ATTORNEY, CHASE MANHATTAN BANK, 1
CHASE MANHATTAN PLAZA, NEW YORK CITY, N.Y., 10005,

DEFENDANTS.

75 Civ 2524

H.F.W.

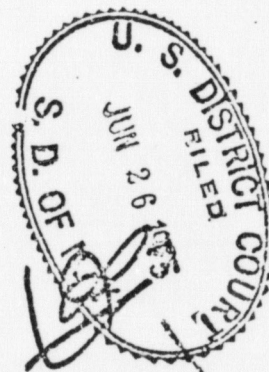
Pro-se

STATE OF N.Y. {
COUNTY OF N.Y. { ss.:
CITY OF N.Y. }

NOTICE AND MOTION FOR RELIEF IN
THE NATURE OF AN ORDER ADJUDGING DEFENDANTS
GUILTY OF CRIMINAL CONTEMPT

1975 CIVIL 2524, USDC, SDNY

SOLOMON O. BATTLE, PRESIDENT
PANTHER HOUSE, LIMITED
PLAINTIFF PRO SE ET AL.
Box 3552
GRAND CENTRAL STATION
NEW YORK CITY, NEW YORK, 10017
(212)-982-3570



MICROFILM
JUN 26 1975

*Michael David
Scheidt
June 24, 1975
Henry H. S. Bg.*

UNITED STATES ~~XXXX~~ DISTRICT COURT SOUTHERN DISTRICT OF NEW-YORK

The people of the United States of America ex-rel,
Solomon O. Battle, Pres., Panther House, Ltd
officers and members

Plaintiffs

vs

Nelson Aldrich Rockefeller, Vice-Pres., ~~xx~~ U.S.A.
David Rockefeller, Chmn. of the Bd. of Drs., Chase
Manhattan Bank,

Defendants


SIRS:

PLEASE TAKE NOTICE that upon the original complaint of plaintiffs it is ~~for~~ further pointed out that plaintiff's requested ~~motion~~ motion for a permanent ~~injunction~~ injunction against defendants was made with the knowledge that Chase Manhattan Bank operates under the Uniform Commercial Code of New York State and its action in terminating the bank accounts of Panther House Ltd has violated the U.S. Constitution which provides for equal protection of the law as well as the New York State Executive Law, Article 15, Sections 290 & 292. Defendant's denial of equal protection of the law as protected by the 14th AMENDMENT Of the US Constitution is clearly indicated by their actions. In addition their continued threats and harrassment constitutes further unequivocal proof that they ~~are~~ are acting to prevent plaintiff's rights to free speech and freedom of the press as guaranteed by the U.S. Constitution.

Furthermore plaintiffs have not engaged in any conduct either before ~~or~~ or after the filing of the ~~original~~ original complaint which would warrant ~~closing~~ closing of their bank accounts nor has Chase Manhattan Bank notified plaintiffs of any such improper conduct.

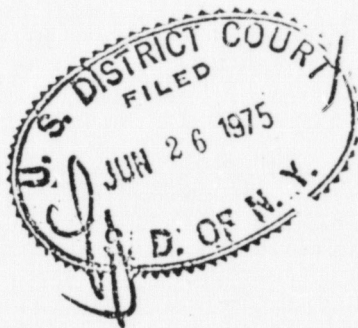
Therefore, in view of defendant's clear violation of the order to show cause, and its unequivocal threats and actions to suppress plaintiff's rights to free speech and freedom of the press, it is herewith requested that the court grant plaintiff's a summary judgement of \$2,500,000 against defendant David Rockefeller, Chase Manhattan Bank, et al.

Plaintiff further requests that defendants be ~~enjoined from~~ permanently enjoined from interfering with plaintiff in such ways as using agents and stooges to interfere in plaintiff's private life and interfering in plaintiff's business ~~affairs~~ affairs under false pretenses and to cease and desist from corrupting and bribing plaintiff's (Solomon O. Battle's) mother, brothers and sisters and from using them in schemes to violate plaintiff's rights to free speech and freedom from illegal searches and seizures. It is further requested of the Court that ~~the~~ the defendants be enjoined permanently from harrassing, terrorizing Panther House stockholders, officers and plaintiff Solomon O. Battle's three children, Micnele, Paula and Richard Battle and his estranged wire, Jean Battle who is an officer of Panther House Ltd.


~~XXX~~ Solomon O. Battle

RECEIVED IN CHAMBERS
JUN 5 1975
75 CIV 2524
Judge Werker
NOTICE OF MOTION
FOR SUMMARY
JUDGEMENT
DISTRICT COURT
FILED
JUN - 5 1975
9:35 AM
S. D. OF N. Y.

COUNTY OF NEW YORK (ss.:
CITY OF NEW YORK (



COPY RECEIVED

JUN 5 1975

WILBANK, TWEED, HADLEY & McCLOY
ATTORNEYS FOR

and J. Kuran
6/5/75

SOLOMON O. BATTLE, PRESIDENT
PANTHER HOUSE, LIMITED
PLAINTIFF PRO SE ET AL.
Box 3552

GRAND CENTRAL STATION
NEW YORK CITY, NEW YORK, 10017
(212) 982-3570

Motion Denied
Ordered
6/24/75
Henry H. Harker
USDC

MICROFILM
JUN 26 1975

M75-170

(3)

MEMO ENDORSED

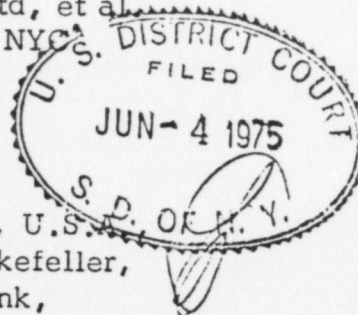
UNITED STATES DISTRICT COURT for the SOUTHERN DISTRICT OF NEW YORK

The people of the United States of America ex rel
 Solomon O. Battle, Pres., Panther House Ltd, et al
 officers and members, 24 East 21st Street, NYC
 Plaintiffs

vs

Nelson Aldrich Rockefeller, Vice-President, U.S.A.
 WHITE House, Washington, DC; David Rockefeller,
 Chmn, of Bd of Dirs., Chase Manhattan Bank,
 1 Chase Manhattan Plaza, NYC 10005

Defendants



75 CIV 2524
 Judge Werker

Motion for a
 citation of
 criminal ~~in~~
 contempt of
 Court
 Motion for
 an immediate
 injunction and
 order to hold
 defendant in *civil*
 criminal contempt
 of ~~court~~ court.

Upon the annexed affidavit of Solomon O. Battle, sworn to the 3rd day of June 1975 it is herewith requested of this court that the court hold defendant David Rockefeller, Chase Manhattan Bank and Regional Administrator of banks, C.M. Van Horn in criminal contempt of court for willfully and maliciously violating the Show Cause order issued by Judge Tee Gagliardi on 30 May ~~XXXX~~ 1975 which provides for a hearing to show cause why defendants should not be issued an injunction not to close plaintiffs bank accounts.

I further request that the court
 issue an immediate injunction requiring
 defendants David Rockefeller, Chase Manhattan
 Bank to reopen plaintiffs accounts.

Solomon O. Battle

THE PEOPLE OF THE UNITED STATES OF AMERICA EX
REL. SOLOMON O. BATTLE, PRES. PANTHER HOUSE, LTD.,
ET AL., OFFICERS AND MEMBERS, 24 EAST 21ST STREET,
NYC, 10010,

PLAINTIFFS,

-VS-

NELSON ALDRICH ROCKEFELLER, VICE-PRESIDENT,
UNITED STATES OF AMERICA, THE WHITE HOUSE,
WASHINGTON, D.C.; DAVID ROCKEFELLER, CHAIRMAN,
BOARD OF DIRECTORS, CHASE MANHATTAN BANK, 1 CHASE
MANHATTAN PLAZA, NEW YORK CITY, NEW YORK, 10005,

DEFENDANTS.

NOTICE

OF

MOTION

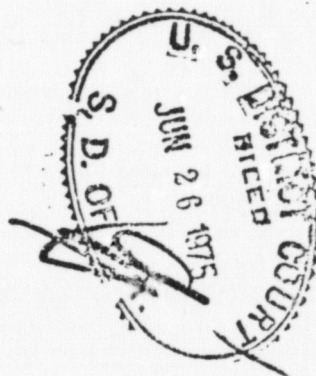
AND

COMPLAINT

: '75 CV.....

: (HON. WHITMAN
: KNAPP, J.) -

STATE OF NEW YORK ()
COUNTY OF NEW YORK (ss.:)
CITY OF NEW YORK ()



MICROFILM

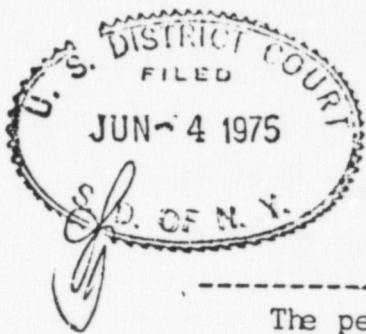
JUN 26 1975

*Michael Dennis
deposed Henry Hinkle
6/24/75*

SOLOMON O. BATTLE, PRESIDENT
PANTHER HOUSE, LIMITED
PLAINTIFF PRO SE ET AL.

Box 3552

GRAND CENTRAL STATION
NEW YORK CITY, NEW YORK, 10017
(212) 982-3570



UNITED STATES DISTRICT COURT

for the

SOUTHERN DISTRICT OF NEW YORK

m75-169

2

MEMO

RECEIVED IN CHAMBERS
OF JUDGE HENRY F. WERKER
JUN 10 1975

The people of the United States of America ex rel

Solomon O. Battie, Pres., Panther House, Ltd., et al.

officers and members, 24 East 21st Street, NYC

Plaintiffs

-vs-

Nelson Aldrich Rockefeller, Vice-Pres., U.S.A.,

The White House, Washington, D.C.; David

Rockefeller, Chmn. of Bd. of Drs., Chase

Manhattan Bank, 1 CMP, NYC-10005,

Defendants.

NOTICE OF
ACTION

FOR
IMMEDIATE
RELIEF

75 CIV 2524

Judge Werker

ORDER
To SHOW
CAUSE.

FOR PRELIMINARY
INJUNCTION

Upm the annexed affidavit of Solomon O. Battie,
Sworn to the 30th day of May, 1975,

It is ordered that the defendants show cause at
a motion term before a judge of this court for

~~the purpose of obtaining a preliminary injunction~~, to be

heard in Room 1603 of the United States Courthouse

Section 861
Se. Encl. Henry H. H. H.
6/24/75



MICROFILM

JUN 26 1975

END 72

[4 # 12000]

IN THE UNITED STATES COURT OF APPEALS

The people of the United States of America
Ex. Rel. Solomon O. Battle, Pres.
Panther House Ltd, et al. officers and members,
24 East 21st Street, N.Y., N.Y., 212/932-3570
plaintiffs

VS

Nelson Aldrich Rockefeller, Vice-Pres.,
U.S.A., The White House, Washington, D.C.,
David Rockefeller, Chmn of the Bd. of Directors,
Chase Manhattan Bank, 1 CMP, NYC 10005,
A. John Marino, Chase Manhattan Bank, 1 CMP,
NYC 10005
defendants

DOCKET #75-7448

BRIEF, APPENDIX &
COPIES OF DOCUMENTS
AS AVAILABLE FROM PLAINTIFF
PURPORTED TO BE COPIES OF
COURT RECORD